SOUTHERN RHODESIA.

7

CORRESPONDENCE

RELATING TO THE

REGULATION AND SUPPLY OF LABOUR IN SOUTHERN RHODESIA.

Presented to both Houses of Parliament by Command of His Majesty.
July, 1902.

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SOUTHERN RHODESIA.

CORRESPONDENCE

RELATING TO THE

ADMINISTRATION OF SOUTHERN RHODESIA.

No. 1.

BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received October 28, 1899.)

SIR, 15, St. Swithin's Lane, London, E.C., October 26, 1899.

I AM directed to forward, for the information of the Secretary of State, copies of the Minutes* of a meeting of my directors, held on the 18th instant, and of the papers relating thereto.

I am, &c.,
E. C. CLEGG,
Acting Secretary.

Enclosures in No. 1.

(Annexure to Minute "A. 8." of 18th October, 1899.)

(Bulawayo, August 12, 1899: Received September 1, 1899.)

Administration: Native Affairs, No. 12.

1. Native Labour.—I forward, for the information of the Board, short reports of the proceedings at three meetings held by the Chief Native Commissioner at Malema, Fort Usher, and Umlugulu, for the purpose of discussing the question of the native labour supply with the principal Chiefs in those districts.

Indaba held at Inungu, Malema District, July 31, 1899.

There were present Chief Native Commissioner H. J. Taylor, Native Commissioner Stuart, Assistant Native Commissioner Mullins, Labour Agent Wilson. Natives: Faku, Mapisa, Nyameni, Jozane, Maqina, Sombuya, and about 150 followers.

Mr. Wilson interpreted.

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* Not printed.

The Chief Native Commissioner said he was very pleased to see such a representative meeting. He was on a big tour round the country, and was going right through Matabeleland. He had had a large meeting in the Bulilima District, where he had met a number of the big Indunas, and everything had been satisfactory. One of the principal reasons he had called them together on that day was to discuss the question of labour. They would remember him coming this way to look at this part of the country with some Fingoe Chiefs, (Faku and others, Yes, we know). The idea at that time was to get the Fingoes up because the natives of this country would not work. Besides these Fingoes there were other natives who were anxious to come and work in this country, but he wished to tell them that the Government had no desire to have any other natives in this country, if they could avoid it.

There were 10,000 Fingoes who were to have come up here, but now he did not think that it was likely they would come. However, it all depended on the natives of this country themselves, whether or not other tribes were brought in from elsewhere. They would not like to see strangers brought in to live alongside them. There was gold in the country, and where the gold was there the white men intended to stay. These were the people who were constantly coming to him and asking him why he did not get the labour. In his opinion there was sufficient labour if the natives would turn out to work. They had seen Bulawayo at the present time; it was not such a very large place, but in the future it would be a very big one. The mines were being opened up, and as they were opened up more labour would be required. They had seen the railway come to Bulawayo, and if they went there now they would see it going to Gwelo. It would not rest there but it would go across the Zambesi and right up north, and after a time they would see white people coming from the north as well as from the south. That was only one branch of line. The one at Salisbury had already arrived from the sea. They at Bulawayo would soon connect up with Salisbury.

Then there was to be another line down to Tuli, and another one to Wankie's. He was telling them all about these lines and things so that they might see the necessity of looking ahead. They must understand that this was now a white man's country, and they must follow the white man. Notwithstanding, they would have their own land and, to a certain extent, would be allowed to observe their own customs. He did not expect all to turn out to work; some, of course, must remain at home to look after the children. They would please the Government very much if they only went to work for three months, that would give them nine months to rest in. He had seen most of the Mine Managers, who had promised to build nice compounds and look after their boys well. They would also provide them with meat and tobacco twice a week. He was going round himself to see that they were properly looked after, and was now on a tour for that purpose. He did not want them to work in any mine where they would be ill-treated. He would advise Mr. Wilson and the other labour agents appointed by the Government of the Mines they were to go to. These labour agents were not strangers but men well known to the people. On those private farms where labour was being utilized the natives were not to be interfered with, it was only the natives outside who were expected to work. He did not wish to interfere with any arrangements between private individuals and the natives working for them. Mr. Rhodes was coming up here very soon. He knew that the first question he would ask him, the Chief Native Commissioner, would be about the labour, and he would like to give him a satisfactory account of the natives in the Matoppos, as he would be able to of the natives in the Bulilima District. He knew, and they knew, that Mr. Rhodes could be very angry. He was not a man who waited, but a man who took action at once. He would say, "If I cannot get labour out of these people I will soon get some from elsewhere."

They had heard what he had said to them, and he wanted them when they went to their kraals to discuss these matters and think over them. It was for their own interests that they should go to work. The Government never interfered with them; all they were asked was to pay their hut-tax. Mr. Wilson would be back in about two weeks time, when he would go to the different headmen in the district and would give them sufficient notice when he was ready. In the meantime they could discuss among themselves who of the young men should turn out to work. They knew what the wages were. A smart man working down below got 40s. per month. He would

like to wire back to Captain Lawley that he had had a very successful meeting. He might remind them that all white men had to work, and what riches they had in their possession had to be laboured for. He was aware that Faku had men working on Mr. Rhodes' farm, and he did not wish to interfere with them, but he, Faku, had other men, and these Faku should try and induce to work.

Faku said he had paid attention to what had been spoken. All his young men were employed on Mr. Rhodes' dam.

The Chief Native Commissioner said he knew there were others. If Faku liked he would visit the kraals and turn them out. There would be no difficulty in finding them.

Faku said most of the young men were away living in the hills. Some of them went to work at Gwanda. He had word that there had been an accident there, when six men had been hurt and one killed.

The Chief Native Commissioner said he knew these things would happen at times, but the Government and he were doing their best to prevent them. It was not likely that they wanted the natives to be killed when they wanted them for work.

Faku said none of his people remained at their own kraal during the whole of the year.

The Chief Native Commissioner said he had not come to find fault with them but to reason with them. He was not talking to Faku as a headman of a kraal, but to him as one of the headmen of the country, and as a representative of the Matabele nation.

Faku replied that all his men were present, and that the words of the Chief Native Commissioner would go all over the district.

The Chief Native Commissioner said that from what he could gather the natives regarded him as something distinct from themselves. He was one of them, and there to look after their interests. How would they like it if he were to send the Police and messengers round to their kraals to turn the people out to work. They would think it very hard. Very well then, they must listen when he tried to reason with them, and see what was to their own interests. That was why he had called a lot of sensible men there that day. He was continually being asked by the white man, "Where are these men, where are these men?" (referring to the labour). Then he had told them that if they would leave the matter with him he would go and talk to the old men and now they were waiting to see what the Chief Native Commissioner had done. He would be very sorry if he had to go back to Bulawayo and say, "I have failed." He would also be sorry for them.

Nyameni said there were no young men among them there that day.

The Chief Native Commissioner said he had not come to talk to young men. He knew that Faku's young men were working on the dam. There were 130 of them there. He had asked as he came along. He also knew for a fact that there were over 2,000 men in this district of Mr. Stuart. Where were all these then? To Nyameni: "When were you last in the hills to see your friends and relations?"

Nyameni declared that he had none in the hills.

The Chief Native Commissioner said when he was out there at Bulilima with Gambo they, Gambo and his people, had told him, "We do not want any other natives in this country." Neither did he want them. If they went to mines to work they got 30s. per month on the surface. Of course, if they only stopped there for one month it was quite possible they might not like it. They could not expect to make much money if they left at the end of the first month. It took more than a

month to learn. A young ox would not pull in a day. If they had any complaints to make they would be attended to at once if they went with them to the Native Commissioner of their district.

They, the natives, had equal rights with any white man in the country.

Matyegetye, one of Faku's men, said if the young men who went to work got the money that was promised them it would be all right, as it was they were only humbugged.

The Chief Native Commissioner said, in reply, that that was why Mr. Wilson and others had been appointed to look after their interests. In concluding this question he might tell them that wherever he, the Chief Native Commissioner, was, he would have messages to inform him how the natives were turning out to work.

Faku said that everything that had been spoken would be told to the people.

The Chief Native Commissioner: My advice to them is to go out to work.

Faku: There are not enough people.

The Chief Native Commissioner: Very well, then; we must bring others in. If I were to go to every kraal here I could get 500 boys, but I do not want 500; I want 200 this month.

Faku thanked the Chief Native Commissioner for what he had said, and repeated that his words would be carried through the district even as far as the Manzamnyama.

Sipo, a native, who was continually interrupting, and who is a reputed agitator, was silenced by the Chief Native Commissioner. He, the Chief Native Commissioner remarked, was like a hen that had laid a small egg and cackles a lot. One that laid a large egg had nothing to say. Let him take action instead of talking so much.

Before the conclusion of the Indaba the Chief Native Commissioner said that there was one thing that prevented them going to work, that was the Ndaga dance. At the mention of this there was a general titter. The Chief Native Commissioner said that, whatever they might think, it was not a laughing matter, and any one found attending it would certainly get himself into trouble. He knew they had been talking about it amongst themselves. There were people who came and told him these things. There were other things, too, which he had heard, and they must not be surprised if the originators were punished. The Chief Native Commissioner then broke up the Indaba, after telling those present that there was a beast to be killed for their supper.

Indaba held at Mlugulu, Sub-District Matobo Mawabeni, August 5, 1899.

There were present Chief Native Commissioner H. J. Taylor, Native Commissioner H. M. G. Jackson, Chief Labour Agent Moodie, Assistant Native Commissioner Armstrong, Assistant Native Commissioner T. M. Thomas, and Sub-Inspector St. John. Natives: Manyakavula, Mlugulu, Golobeza, and Ndinga (subsidized Indunas), also Ntombi, Malunga, and about 60 followers.

Assistant Native Commissioner Thomas interpreted.

The Chief Native Commissioner said that he was very pleased to see them. He was going on a long tour through all the districts of Matabeleland. He had been to the Bulilima District, where he had had a big meeting of the Indunas, and recently

he had had similar ones at Malema and Usher. He was going right on to Filabusi and Belingwe. The reasons for these meetings was to discuss the labour question. So far they had all been very satisfactory, and he hoped to go away from Mlugulu satisfied. Before he began to talk about the labour he must tell them not to regard him as one apart from themselves, but as one of themselves, who would look after their interests. Before he left Bulawayo last month all the Mine Managers in the country came to see him about procuring labour from other countries, because they said they were not satisfied with the labour in this. They said the natives here would not work. It was not only the Mine Managers, but they had received letters from down country from natives wishing to come and reside up here. He had informed the Mine Managers that there was sufficient labour here, and that it would not be necessary to bring other tribes in. Now, it was for them (the natives) to back him up. He did not wish to see other people here, and he was sure they did not. The only way to keep others away was for them to turn out and work. When he spoke to Gambo about these people Gambo had said that they did not turn out as well as they might. Gambo was very much averse to other tribes coming in, and he, the Chief Native Commissioner, agreed with him. As a result he had just received a message from Bulawayo to say that 300 boys had already left Gambo's for Bulawayo, and they would be in Bulawayo the following day. The Government had set apart for the natives certain lands upon which no white man would be allowed to live. These lands would be quite sufficient for those who did not wish to live on private farms. Most of the white men were already grumbling, saying the natives had too much land already, and that was why they wanted to bring more labour into the country. With regard to the treatment of the natives at the mines, he knew that in some cases they had not been treated well. He had seen the Mine Managers, and impressed upon them the necessity of building good compounds. They, the boys, were to be provided with meat and tobacco once a week, and in some cases blankets. After hearing that the natives were not satisfied with their treatment the Government decided to appoint labour agents. The labour agents were men whom they knew, who had their interests at heart and would see that they got good wages. Mr. Wilson had been appointed agent for this part of the country; just now he was very ill, and Mr. Armstrong would undertake it in his place. He was not there to find fault with them. What he wanted was for them to assist him. He wanted them to think the matter over amongst themselves, that was why he was talking to a lot of sensible men. He wanted them to go to work of their own free will. He was not going to allow anyone to go to a kraal and force boys out to work; at the same time they should understand that the Government expected each man who was able to work for three months in every year. Of course, some of the young men must stay behind to look after the women and children, when the others came back from the mines, then they could go out.

Every boy who went to work should go to Mr. Armstrong, and he would give him a pass, and that pass would protect him when he arrived at the mine. He would get his wages each month, and at the end of three months he would be allowed to return home, when he would retain his pass to show that he had worked for the required period. They (the labour agents) would try and find them work as near as possible to their homes. The wages ranged from 30s. to 45s. per month. When he had a meeting at Usher's one of the reasons given why they did not like to go and work in the mines was that men were placed over them whom they did not know. So he had put the question to one of the Indunas, Muntuwani, and asked him if he would prefer to go in charge of a gang of boys, and he answered that he would be perfectly willing to go. He, the Chief Native Commissioner, was very glad that Muntuwani had offered to go, because then he knew the boys would be properly looked after. That was what they must do here. Some time ago they might remember some Fingoes coming into this country. It was proposed to send 10,000; some were to be on the Bembezi, some here in the Matoppos, and some at Nyamandhlovo. He had fought very hard on behalf of the natives of the country, so as not to have those men up here, and he thought he had succeeded in stopping them. The country was young, very young still. Bulawayo was only a baby at present. They would see it grow up into a very big town. They would see another big town at Geelong, another at Belingwe, and another at Selukwe and other towns would spring up in time. The railway had arrived in Bulawayo, and if they went there they would see it being made on to Gwelo, and eventually they would see it across the

Zambesi. In the future they would see white men coming from the north as well as from the south. He was telling them all this so that they might see what a quantity of labour would be required. They must not forget that this was a white man's country, and so long as there was gold in the ground the white men would want labour to get the gold out. Mr. Rhodes would be up here very soon, within a month, and he would be sure to ask him how the people were getting on. He, the Chief Native Commissioner, would be able to report that they were living contentedly, and should be pleased at the same time to tell Mr. Rhodes that they were turning out to work. He was leaving Mlugulu the following day, and he would have messages sent after him from the different stations he had visited reporting the amount of labour that was forthcoming. If he received an unfavourable report from this district he would be very much dissatisfied with them, and he would be sorry as well for their own sakes. He was not talking to them as individuals but as a portion of the Matabele race.

Manyakavula said this was not the first time they had heard these words. They say the Indunas called their men out but they didn't come out. Many of them went to work of their own accord. Perhaps they found it better to do so than in the appointed manner. Possibly it was more profitable.

The Chief Native Commissioner said it could not be more profitable, because he knew the wages the mines paid, and one mine could not pay more than another. It would be much better if every boy going to work passed through the labour agent's hands, so that the Government could show the mining people how many boys had gone to work.

Mlugulu said he agreed with what Manyakavula had said; they were always trying to get labour, but could not manage it. All the people were away. There was scarcely anyone at home.

The Chief Native Commissioner said he was not finding fault. He was only asking them to assist him. There was no reason to be frightened, as no Native Commissioner could act unless he received orders from him. He was always very glad to meet them, and wished he could come out more often.

Mlugulu said he was frightened of the men who were appointed under the Chief Native Commissioner, but the Chief Native Commissioner himself was a man they could understand, as he opened his mind to them.

The Chief Native Commissioner said that every man was not always the same, but the Government was one.

Manyakavula said the messenger was the mouth of the Government, and he knew the Chief Native Commissioner was only getting labour in the interests of the Government.

The Chief Native Commissioner said he should ask Mr. Armstrong to go round himself, and not to rely on his messengers too much. When he did go out he should like the headmen to go with him. Of course he did not expect old men like Mlugulu to go, but the young men, such as Manyakavula. He told Manyakavula to put a ring on his head some time ago, but as he had not done so he evidently considered himself a young man still. There was one thing he must mention before concluding. He knew there was a lot of beer drinking through the country. There was no harm in that. He liked to see them happy, but he warned them that the Government would not allow any large assemblies unless they got permission first from the Government. They must always apply to the Native Commissioner for permission. This was always the law in Zululand and everywhere else. Perhaps they wanted to go to the N'daga or Mlimo dance, or something of that sort.

Manyakavula said it was only in Natal where they had big dances. Here it was simply ordinary beer drinks.

The Chief Native Commissioner said it would not be very pleasant if a policeman came to a kraal where a lot of natives were drinking and arrested the Induna.

Of course he did not mean a beer drink in which one or two kraals took part, but one in which a whole tribe took part.

This concluded the meeting.

A case of beef was distributed amongst those natives who attended.

Indaba held at Fort Usher, Matobo-Mawabeni District.

There were present the Chief Native Commissioner, Native Commissioner H. M. G. Jackson, Sub-Inspector St. John, and Mr. H. F. Greer, who interpreted. Natives: Dhliso, Nhluganiso, Muntuwani, and Sikali, subsidized Indunas, also Mtyana, Fusi, Somaxegwaha, Mabiza, and about 70 of their followers.

The Chief Native Commissioner opened the Indaba by saying he was very pleased to see those present. It was the first time he had seen so many there together. He had come to talk to them as one of themselves. He was not there for the purpose of finding fault, but to discuss the labour question with them. He had been to the Bulilima District and had had a very satisfactory meeting with Gambo and the other Indunas there, he had also two days before held a meeting at Malema, when all the Indunas attended. When he had finished here he was going to Mlugulu, and afterwards would hold similar meetings at all the Native Commissioners' stations throughout the country. All the mining people in Bulawayo had been to see him, not once, but several times, about procuring labour for the mines. What they wanted was that the Government should procure other labour as the natives in this country would not work. He had told the Mine Managers to leave the matter with him, and he would discuss it with the Indunas, and he was sure when he had done so that it would not be necessary for him to bring labour into the country. He did not want to see other tribes here; he wanted only the natives of the country; the whole thing depended entirely upon themselves. He might as well tell them once for all that this was a white man's country. When he said it was a white man's country he wished them to understand that it was not intended to take away that land which had been given to them, but was reserved for them by the Government. Those reserves which had been set aside would be their own entirely, and no white man would be allowed to live on them. He had heard that one of their complaints was that they were not properly treated at the mines. He did not want them to go where they would be ill-treated; in fact, he would not allow them to go. That matter had already been brought before the Mine Managers. They had now promised to build good compounds for the natives, they had agreed to give them meat once a week, also tobacco and in some cases blankets. Another thing the Government had done for their consideration was to get men whom they, the natives, knew as labour agents, like Mr. Wilson. That gentleman had been appointed here, to procure labour for the mines. His district took in all the Matoppos, as far as the Insezi. He, Mr. Wilson, had been instructed to see that every boy who goes to the mines received his salary and was not ill-treated. He wished them to understand that the Government was not going to compel anyone to go to work, but, at the same time, the Government looked to the headmen and the Indunas to see that their men did go to work. They did not expect all the men to go to work; some, of course, must remain at home to look after the women and children; then, when the others returned from the mines, those who had stayed behind could go out in turn. The Government would be quite satisfied if each man worked for three months in the year, which would give them nine months to rest in. When they went to work they must ask Mr. Wilson to give them

a pass. This pass they would hand to the Mine Manager, who, at the end of the three months, would give it back to them, so that when anyone came round they could show that they had worked their three months.

They no doubt remembered the time when the Fingoe Chiefs came up here. It was then decided to locate certain of them here, and some at the Bembezi and Nyamandhlove. He knew that some of the natives in the country were very dissatisfied with this arrangement.

The Government had now decided not to bring any more Fingoes up, but to give the people of the country another year. If the Fingoes did come up eventually it would be simply through the indolence of the natives themselves. His position was not an easy one; he was there as their chief. He had the white people on the one side always approaching him about the labour, and on the other side he had the interests of the natives to consider. He wanted them to assist him to quiet these white people. Bulawayo was only a small place at present to what it would be. There were lines being built all over the country.

When he spoke to Gambo the other day about the importation of labour, he, Gambo, had stated that the natives did not turn out to work as well as they might. He was very much against any other tribe being brought into the country, and he, the Chief Native Commissioner, agreed with him. Mr. Rhodes would be up here in about a month, and he would ask him a great many questions about them, one of the first of which would be whether his children were going to work or not. He, the Chief Native Commissioner, would like to be able to tell him they had turned out to work well. There were certain natives working on farms, but he did not wish to interfere with them. Mr. Wilson was very ill just then, and he would get Mr. Armstrong to go in amongst them to get a supply of labour. He wanted them to think over what he had said, and discuss the matter between themselves at their kraals. He would have messages sent to him wherever he was to inform him how they were turning out to work. He would be sorry to hear that Mr. Armstrong had been unable to obtain a supply of labour. He wished to tell Dhlise that his men had turned out very well to work, and he was very pleased with him. He had spoken to the Mine Managers about their wages, and they had promised to give those men who worked below 45s. per month. Of course, those who were frightened to go down would not get so much, only 30s. per month. That was the wage agreed upon throughout the country.

Mtyana said some of their people were too old to work and a great many were scattered about the country.

The Chief Native Commissioner replied that he was addressing him not as an individual but as a representative of the nation.

Nhluganiso said 20 men of his tribe were sent to work to the Manzamnyama, and they had returned to their kraals stating that the Mine Manager had told them he had sufficient men and did not require them. (This proved to be correct, the Manager of the Sabiwa Mine being the one referred to.)

The Chief Native Commissioner replied that he would enquire into it. If they could not get work there they should go where labour was scarce.

Mtyana said a lot of his people were at work in Bulawayo. The Chief Native Commissioner said he knew that, but those who stayed in Bulawayo were a lot of old women; the men went to work in the mines.

Nhluganiso asked how it was that a number of his people were sent to Bulawayo.

The Chief Native Commissioner, in reply, said that they were sent thence to the mines on the other side of Bulawayo, where they were required. Had they not been to Selukwe to work? Nhluganiso did not know.

Muntuwani said he was quite agreeable to do so.

The Chief Native Commissioner replied he should like to see Muntuwani himself go to work in charge of a big gang.

Muntuwani said he was quite agreeable to do so.

Manyoni approved of this. They would like to have one headman in charge of them when they went to work.

Mabiza, speaking to Muntuwani, said he wished to thank the chief (Chief Native Commissioner) on behalf of his people for the words he had spoken. They all agreed with what had been said.

Mtyana followed in the same strain. He said that when the Chief Native Commissioner had called them together they were afraid he was going to scold them about something, and they were all relieved to find it was only a discussion on the labour question.

Dhliso asked how it was that the boys from down Colony got such good wages, much higher than were paid to them. The Chief Native Commissioner told them that those boys were brought up to the work, and were worth more, and besides, many of them remained at work for nine or ten months, or even two years.

If they worked for so long they also would get equally good pay.

This concluded the Indaba.

n ox was killed.

(Bulawayo, August 26, 1899: Received September 27, 1899.)

Administration: Native Affairs, No. 16.

Native Labour.—I enclose, for the Board's information, reports of the proceedings at meetings held by Chief Native Commissioner Taylor with the natives at Filabusi, Mpateni, and Belingwe.

These meetings were representative and well attended, and the results so far have been satisfactory, as 500 boys have already left the Belingwe District for the mines, whilst others are going out daily.

Indaba held at Filabusi, Insiza District.

There were present Chief Native Commissioner Taylor, Native Commissioner Campbell, Assistant Native Commissioners Armstrong and Thomas, Chief Labour Agent Moodie, and Sub-Inspector Tomlinson, British South Africa Police. Natives: Mabamba (subsidized Induna), Mtshotsho, Simizela (headman), and about 50 followers.

Assistant Native Commissioner Thomas interpreted.

The Chief Native Commissioner, having greeted the natives, said he was on a tour through the whole of the country. His object was to see the people and more especially to talk to them about the labour question. He had been to the Bulilima District and had held a meeting there also at the Malema and Matobos. The meetings so far had been very satisfactory, and he hoped to leave that place satisfied. They must not look upon him as distinct from themselves, but as one of themselves. He was there to study their interests, and fully intended to do so. The mining people in Bulawayo had approached the Government with a view to getting other tribes into the country. He had informed them that there was sufficient labour in the country already, and that he would go round the country and talk to the people, to the sensible ones such as those present. He did not want other people in the country, therefore they must help him, and so prevent other tribes coming in. This they must do by turning out to work. No doubt they had heard about those Fingoes

who came up some time ago. At the present there were only a few here, and he did not think any more would come up. He had tried his best to stop them, and now the whole question depended on themselves. What he wanted them to do was to talk it over amongst themselves and see that their young men went out to work. Mr. Campbell had told him that a lot of them did so; now he (the Chief Native Commissioner) wanted more. He was going to pay a visit to all the big mines, and impress upon the Mine Managers the necessity of erecting proper compounds and to give the boys meat once a week. He had already seen some of the Mine Managers and they had agreed to carry out his suggestions. He did not want them to go to mines where they would be ill-treated; in fact, he would not allow them to go. The Government had heard that many natives some time ago had not been paid, and that they had had trouble in getting their wages. Now the Government had decided to allow one of their own officials to be attached to the Labour Department to see that they were properly cared for. They knew Mr. Wilson; he was the official placed over them in that district and the Matobos. He was very ill just then, so the Government had asked Mr. Armstrong to take his place in the meantime. They all knew him. He would go amongst them and visit their kraals, and he, the Chief Native Commissioner, hoped the headmen would do all in their power to assist him. When they went to Mr. Armstrong he would give them a ticket, which would protect them, and after they had worked for three months they would not be expected to work again for at least another six months. The pass would show who had been to work for the required period. As far as possible the boys would be sent to work at the mines nearest to their homes, but if no labour was required near at hand they must go where the labour agent wished them. He would impress upon them the fact that this was a white man's country. At the same time the Government had not lost sight of the natives' interests, but had set apart reserves for them, or rather for such of them as did not wish to reside on private farms. The Government wished to see the natives thriving, living happily and growing rich. The only way to reach this end was by going out to work and earning money. Every white man in the country had to work. As this was a white man's country now they must follow him. When they went back to their kraals he did not wish them to remain dumb, he wanted them to tell his words to their people. Mr. Moodie had just told him that he wanted 120 boys, and the Killarney and Devon and Grant (neighbouring mines) so many more. Mr. Armstrong would be back among them in about a fortnight. Before he arrived he would send them a message of his coming, when they must see that their boys turn out. The mines were only just starting. There was plenty of gold in the ground, and the white man would resort to all sorts of methods to get it out.

There would be much more labour required in the future than at the present time, and after a while they would see towns like Bulawayo springing up on all sides. The reason he told them this was that they might look forward. There would be lots of money in the country, and there was no reason why they should not all become rich.

In reply to a complaint about the wages, the Chief Native Commissioner said that was just why he had put a labour agent to look after their interests.

Simizela said all the young fellows were out at work, and many even younger were anxious to go. He knew that the only trouble was about the wages.

The Chief Native Commissioner repeated that the labour agent would see these rectified.

Mabamba remarked that it was only right that they should stop other tribes coming in by going to work themselves.

This concluded the Indaba, when the natives present were given a case of meat.

Indaba *re* Native Labour, held at Mpateni, Sub-District Belingwe.

There were present Chief Native Commissioner Taylor, Chief Labour Agent Moodie, Native Commissioner S. N. G. Jackson, Assistant Native Commissioner

Posselt, Labour Agent Nielsen, and Mr. Richardson, on behalf of Major Heany. Natives: Sizunku, Bankwe, Matshedu, Mdabane, Matali, Mahlabatsha, Ntubaiyezi (subsidized Indunas), together with their headmen and about 250 followers.

Native Commissioner Jackson interpreted.

The Chief Native Commissioner, having greeted those present, said this was the first opportunity he had had of meeting such a representative gathering. He was glad to see they had responded so well when Mr. Posselt sent for them. They must not look upon him as distinct from themselves, but as one of themselves. He was there solely in their interests. He had already travelled over a portion of their territory by way of the Matobos, and had had very satisfactory meetings throughout. He hoped to go away from there satisfied also. He wished to talk to them about the supply of labour. He had received several complaints from the Indunas about wages and so forth. When these complaints were brought before him he had spoken to a number of the Mine Managers and they had all agreed to meet the Government.

Following on this labour agents had been appointed in the different districts, with the approval of the Government, Mr. Nielsen acting in this capacity having been appointed over their district. He, Mr. Nielsen, did not come amongst them as a stranger. They all knew him, as he had been in the Government service before. They must understand that the labour agents were distinct from the Native Commissioners, who were the eyes and ears of the Government. Before he, the Chief Native Commissioner, left Bulawayo, all the Mine Managers had been complaining about the supply of labour, and they had approached the Government with a view to obtaining labour from other countries, as they said the natives of this country would not work. He had told them that there was sufficient labour here, and if he went out himself and saw the old men of the nation and discussed the matter with them right through the country they (the Mine Managers) would not find it necessary to bring others in. Now, what he wanted them to do was to assist him by getting their young men to go out to work. He knew that all of them could not leave the kraals. Some must, of course, stay at home to look after the women and children. That was a matter they could arrange much better amongst themselves. One lot would go to work for three months, and when they returned there would always be another lot to take their place. The mining people had promised to build good compounds for them. In fact, they had agreed to make them as comfortable as possible. One of the complaints he had heard was that they did not get paid sufficient money. They knew well enough themselves, however, that if a man only went to work for one month he could not learn or earn much. The wages ranged between £1 and 45s. per month, the latter being the highest, and paid to those who worked below. No force would be allowed in getting the natives to go to work, but the Government expected every man to go to work for so many months in the year. The land upon which they were living had been set apart for them by the Government as far as possible, and no white man would be given a farm on those reserves. Those traders who were at the present time had only the right to trade. They, the natives, ought to be very thankful that the Government had given them such a large area of land to themselves, and it would rest with them whether they would be allowed to retain those lands. The best way for them to secure their land was for them to go out and work, otherwise the Government would find it necessary to bring in other tribes to work. A lot of natives in the Portuguese territory and other places were anxious to come up and settle. But these would not be encouraged by the Government if sufficient labour were forthcoming in this country to meet all requirements. He, the Chief Native Commissioner, did not want any others; he wanted them only. The way in which they could assist him was by turning out to work. This was now a white man's country. There was gold in the country and plenty of it, and at the present time, if they went to Bulawayo, they would see only a small town, but if they waited for another three years they would see a large town. That would be only one. There would be others all over the country, and as the country went ahead more and more labour would be required. He was telling them this in their own interests, so that they would see the need of going out to work. There was one complaint he had heard, namely, that when they went out to work at the mines they were placed in charge of a person who did not understand their language. The Mining Managers had agreed to rectify this as far as possible. When a big gang of boys went to work they must appoint a headman, and all complaints should be made through him to Mr. Nielsen. When

speaking about this to the natives in the Matobos, Muntuwani, one of their Indunas, had volunteered to go in charge of a gang, and he, the Chief Native Commissioner, would like them to follow his example. He did not expect the older Indunas to go, but their sons. He was glad to hear from Mr. Jackson that one of Intabana's sons had gone out in this way. The Government would endeavour to arrange that work should be found for them as near as possible to their homes, but if they were required elsewhere they would be expected to go. He wanted every boy who went to work to pass through the labour agent's hands; he, the labour agent, would give them passes to protect them when they went to the mines. One of the chief objects of these passes was that the Government might know how many natives went to work during the year. Then there would be no cause of complaint against them in the future. He wished them to talk the matter over amongst themselves. Mr. Nielsen would shortly visit their kraals and give them notice of his coming. He, the Chief Native Commissioner, wanted them to go out willingly, knowing that they were carrying out the wish of the Government, and at the same time studying their own interests. They must understand that he was not there to find fault with them. He was leaving there to hold another similar meeting at Belingwe, and then on the Inseza and Selukwe, and so throughout the country. He would receive messages from the labour agents, who would report the number of natives turning out to work, and he hoped it would not be necessary to have other labour brought into the country.

He now wanted the Indunas to speak their minds on the subject.

Ntubaiyezi said they had all heard what the Chief Native Commissioner has told them about the labour. They would always do their utmost to supply as much labour as possible. The white man had freed them from the cruelty of Moselikatzi, and, bearing this in mind, they would always work for the Government. They had had a Native Commissioner placed over them, and if anything happened to him to whom were they to look for protection? They could not understand the reference to other labour being brought into their district, as they had always done their best to turn out boys when they were told to do so.

The Chief Native Commissioner said that Mr. Jackson was still their Native Commissioner, and all complaints would be brought before him for redress. Mr. Nielsen was not a Government official, but he had been appointed with the sanction of the Government. With reference to other tribes coming into the country, he was not speaking to them as individuals, but as representatives of the native tribes occupying this territory. He had already said that he had no fault to find with them. What he wanted them to understand was that, as the country goes ahead more labour would be wanted, and that, unless the people turned out to work, the Government would have to import more. Personally he was as much against such a step as they were themselves, but they must respond to the call for labour better than they were doing.

Ntubaiyezi said they understood what was wanted, but they feared there would be some confusion in knowing which were the messengers of the Native Commissioners and which those of the labour agent.

The Chief Native Commissioner said, in reply, that these messengers were simply the mouthpieces of Mr. Nielsen. They were merely employed to take messages and see the gangs to the mines. They had no authority and no responsibility, and were not sent to find out anything about the people. He wished them to understand this thoroughly. They would be able to distinguish the difference, as the labour agents' messengers would have badges on their arms. The objection appeared to be in the fact that there were two Departments instead of one as formerly. The Native Department was under the Administrator, and the other had been formed with the approval of the Government. This change had been necessary as the country went ahead. The work had been too much for the Native Commissioners, and consequently the necessity had arisen for appointing labour agents. At the same time the labour agents had to report all matters to the Native Commissioner. As for the messengers of the labour agent, they would be punished if they exceeded any orders given to them.

Mahlabatsha remarked that they had been accustomed to one state of affairs, and that the Government was always changing. Why should another Department

be appointed to see after the labour when they had always turned boys out in response to a call from the Native Commissioner?

The Chief Native Commissioner repeated that the reason was to relieve the Native Department, which had been overburdened.

Mahlabatsha said that they did not get so much pay when they went out to work at the call of the Government as when they went out independently.

Mr. Nielsen flatly denied that this was so.

Matali said they were afraid when they heard that there were to be new arrangements, but now they were satisfied.

The Chief Native Commissioner remarked that the Government would never have appointed a man like Mr. Nielsen had they not been perfectly assured that he was a man they could trust.

Mr. Nielsen said he was glad to have an opportunity of addressing them, and being introduced by the Chief Native Commissioner. He would like to tell them that he had previously held the appointment of Assistant Native Commissioner of the Gwanda District, and had resigned to become a representative of the Labour Department. Before he left Gwanda he summoned all the principal headmen and explained that he had to leave. He had asked what they thought of his work with regard to getting the natives to turn out to work, and they replied that he had always impressed on them the necessity of working, and thanked him for doing so. They had been a year under his supervision, and were better off than they had been before.

In sending his messengers to the Indunas he wished them to understand distinctly that he sent them simply as his mouthpiece. He trusted they would turn out as much labour as possible. If they had any complaints to make, of course they would bring them to their Native Commissioner. All boys passing through his hands would be notified to the Native Commissioner, and he would know where they were working. In sending them to the mines he would always look after their interests. The only way for them to prosper was not to steal or sit idly at their kraals drinking beer, but to turn out readily to work when called upon.

Mdabane said when they were sent to the mines he hoped they would be looked after, and not sent to those where they would meet with accidents.

The Chief Native Commissioner replied that he could not guarantee this. He knew that these things happened. They could not always be avoided. They occurred to white men as well as natives, but they were doing all they could to render them less frequent, and rectifying mistakes and neglect wherever possible.

Mgoni said they were told that if they worked they would get rich. How could they get rich on such small wages?

The Chief Native Commissioner asked for how long and when had Mgoni worked? If they worked for only one month at a time how could they expect to take money? He knew that boys received £2 and more for working underground.

Mr. Richardson said he was representing his people, a large Mining Company. He knew that the Labour Department had been established. He was glad to see that the boys working in the mines would be protected in the future. Every man would receive a ticket when he went to the mines. He and his people would not be prepared to stipulate that any boys forwarded to the mines would receive so much per month. It must all depend on what he was worth. Underground the pay was 45s.; that was the highest paid work. Boys must not come to work on their own account, but must pass through the hands of the labour agent. They were not asked to go far out of the district, and they ought to be thankful to the Government for sending them to the nearest mines, and also that agents had been appointed to enquire into their grievances. He would advise them always to go to the labour agents for a pass, and regard them as an assistance to themselves and nothing else.

Komale said they would be quite willing to work so long as they could be certain of getting their money.

Sitansi said they were anxious to get money so that they could buy a blanket and pay their tax.

The Chief Native Commissioner concluded the Indaba by saying he had been glad to see and talk with them, and hoped they would lay to heart what they had heard.

Two oxen were afterwards killed for the natives attending.

Indaba *re* Native Labour Question, held at Belingwe.

There were present Chief Native Commissioner Taylor, Native Commissioner Jackson, Labour Agent Nielsen, Messrs. G. Glynn and Weston Jarvis (representing White's Consolidated), and W. Blaine (representing the Consolidated Belingwe Development Company). Natives: Maseya, Matalusi, Mposi, Masewa, and Weza (subsidized Indunas), Mpefu, Tromp, Mgokonono, and Mazwaketi.

The Chief Native Commissioner, having greeted the natives present, said he did not want them to regard him as distinct from themselves. He had travelled through a great portion of Matabeleland, and had held meetings at various places. All the meetings so far had been satisfactory, and he hoped that this one would be equally so. He had come that day to talk to them about the labour supply, and he wished them to listen very carefully, as it was a matter which concerned their own interests. Before he left Bulawayo the mining people had come to see him, and informed him that labour was very scarce in the country, in fact, so scarce that they had requested the Government to bring other labour in. He had told the mining people, in reply, that he would go out himself and talk to the natives as sensible men, and that afterwards the Government would not find it necessary to import other labour. Now the Government had given the natives around Belingwe a very large reserve; that reserve was solely their own, and no white farmer would be allowed to occupy any land on that reserve. The only way by which they would be able to retain that land entirely for themselves was by turning out to work. They would not like to see other tribes coming in to occupy their reserve, neither would he. They were allowed to cultivate as much land as they liked, and the Government had asked nothing from them except 10s. per hut per annum. After the Government had discussed the labour question with the mining people, it had been decided to allow labour agents to be appointed. These labour agents were men who had been approved of by the Government, and they would see that the natives going to work were properly cared for at the mines. They, the natives, all knew Mr. Nielsen, who had been appointed over the Belingwe and Mpateni Districts. He, Mr. Nielsen, would arrange with each headman for a supply of labour, and he, the Chief Native Commissioner, wished them to clearly understand that no force would be used in obtaining labour. Each headman should arrange that so many boys turned out from each kraal. Of course he did not expect every man to turn out. Some must remain at home to look after the women and children. When those who went to work returned, then another lot could take their place. The rate of wages was from £1 to 45s. per month. He had spoken to some of the Mine Managers, and they had agreed to put up good compounds for their boys. When he had spoken to Gambo in the Bulilima District about labour, Gambo had admitted that they were not turning out to work as well as they ought to; as a result he, the Chief Native Commissioner, had heard that 200 from that district had already set out to the mines, and he expected 1,000 more shortly. He would like to see the same in this district. He wished them to understand that this was now a white man's country. There was gold in the country and lots of it and the white men would resort to all sorts of methods to get it out of the ground. No doubt most of them had seen Bulawayo. It was only a small town at present compared to what it would be later on. This was only one. There would

be others in all parts of the country. The reason he was telling them this was that they might realize what a large quantity of labour would be required in the future. It was to their interests that they should work and become rich. The Government would like nothing better than to see them with cattle and sheep in all their kraals. If they did not choose to work when called upon, they would see other tribes come in, and would find themselves very much in the background. He wanted them to look ahead and to work like the white man did. Every white man in the country had to work, and as this was a white man's country they should follow his example and work too. He wished them to understand that Mr. Jackson represented the Administration still, and all complaints would come before him as heretofore. Mr. Nielsen's position here was simply for the purpose of collecting labour, and the messengers sent round were merely his mouthpieces. It would be arranged that boys went to work at mines as near as possible to their homes; but if they were told to go out of their district, of course they would have to go. He was very glad to hear that Matalusi and Masewa had both turned out 100 boys to work, and hoped the others would follow their example. This supply of labour, they must understand, was not required for any special purpose. It was simply a feature in the settlement of the country, which would always continue to exist. He wanted them to come out and work willingly, knowing that by so doing they were carrying out the wishes of the Government. Every boy who went to work should pass through the labour agent's hands, in order that the Government might know how many did so in the course of the year.

He would like to hear what the Indunas present had to say on the subject.

Mpome, from Weza's, said that his district had been sub-divided, half being now in Belingwe, and the other half in Inseya, so that if a large number did not turn out he must attribute that as the cause.

The Chief Native Commissioner replied that he was not speaking to them as individuals, but as representatives of the nation.

Mposi said all his people had gone to work at the Shamba.

The Chief Native Commissioner said they had not passed through the labour agent's hands. He was glad to hear some of his people had gone, but could not believe that all had gone.

The Chief Native Commissioner, addressing Mpefu, wished to know how many of his people had gone to work since he had been in the country.

Mpefu could not say how many.

The Chief Native Commissioner reminded Mpefu that the Government had given him and his people refuge in this country, and, consequently, he would be expected to assist the Government in the work of supplying labour.

Mpome said they were quite satisfied to turn their boys out to work, but they did not consider the pay sufficient.

The Chief Native Commissioner replied if they only went to work for one month they could not expect to earn much. They must work for at least two months before they understood what they had to do. They knew very well that a man working down a shaft with a drill got 40s. a month or more He did not know of any higher wage than this in any other country.

Mpome said when their boys went to Selukwe they received good wages and also at Geelong, but here at Belingwe they never received full wages, especially when they turned out in large gangs, as they had lately.

The Chief Native Commissioner said that all the mines had agreed on the same rate of wages. The boys referred to must have been engaged on surface work. Besides, any boy who was not satisfied need not necessarily work here. He could go to Selukwe or Geelong if he thought he could get better wages.

Matalusi said when boys are called out many of them ran away without saying where they were going. They returned with full pockets, and jeered at the others for not doing the same.

The Chief Native Commissioner, addressing Mr. Blaine, said: You pay some of your boys £2.

Mr. Blaine: We pay the same as every one else. It entirely depends on what a boy knows. In exceptional cases such as firing up, &c., we pay up to £3.

The Chief Native Commissioner: It is impossible to say what any individual boy will get. It can only be determined when he arrives at the mine.

Mpome: Our boys are always satisfied when they work at Gatling Hill.

The Chief Native Commissioner: Gatling Hill is the same as every other mine.

Mpome: That is only what I hear from the boys when they return.

Gatshi: We wish to thank you for what you have said, as we quite realize that the man who becomes rich is the man who works, and it is the only thing we must keep at now.

The Chief Native Commissioner: That is the view which all ought to take.

Mr. Nielsen, having been introduced by the Chief Native Commissioner, said he also wished to thank the chief for what he had said, and, to emphasise what had been said with regard to his protecting their interests, wished to inform them that each boy would receive a pass and his name be registered. He would know where they all worked and how they were getting on, and in case of any complaints he would be able to assist them. He himself had nothing to do with any dispute amongst them or law suits, his work being entirely that of a labour agent. Before being appointed to this Department, with the approval of the Government, he had served as Native Commissioner at Manzamnyama, and on leaving there the natives had come to thank him for teaching them the benefit of going to work which was the only way to become rich. He could thoroughly endorse all the chief had said on the subject, and they themselves would live to learn that it was the truth.

This concluded the Indaba.

Two beasts were subsequently killed and distributed amongst the natives.

(Bulawayo, September 2, 1899: Received September 27, 1899.)

Administration: Native Affairs, No. 20.

1. Native Labour.—I beg to enclose, for the information of the Board, copy of a report received from Mr. H. M. Taberer, the Chief Native Commissioner of Mashonaland, with regard to his meeting with the native chiefs of the Victoria District.

Victoria, August 12, 1899.

I have the honour to report that I held a very satisfactory Indaba with all the chiefs and headmen of the Victoria District (exclusive of Gutus and N'Danga) this morning. There were present at the meeting thirteen chiefs with all their headmen and a fairly large following. The Bishop of Mashonaland with the Reverend Walker, Inspectors Roach and Bowden, of the British South Africa Police, with 50 mounted men, Native Commissioners Drew, Forrestall, and Williams, and a number of other Europeans were also present. After addressing the natives on various matters of importance such as their general behaviour, as reported from time to time by their

Native Commissioner, the hut-tax, the police, their attitude during the recent rebellion, the repugnance of some of their ancient customs and laws, natives' reserves, &c., &c., I spoke to them at length concerning the labour question, on which I afterwards addressed all the principal chiefs and headmen in the Native Commissioner's office. I informed them that I was aware that they had done a considerable amount of work at the mines, work which enabled them to pay up their hut-tax in a very satisfactory manner. I informed them that in so far as I was officially concerned they had worked enough to meet what was at present required of them as regards the hut-tax. I proceeded, however, to point out to them the various advantages to be gained by working for more than the little imposed by hut-tax; how that, by possessing money they could improve their manner of living, improve their lands and crops, substitute the use of the plough for their existing tedious labour in turning over gardens, purchase bulls to improve their cattle, and rams, which would not only improve their sheep and goats, but would lessen the death rate from scab, brought on by in-breeding; how the Native Commissioners were incessantly worried by petty lobola cases, brought on by young men not possessing the wherewithal to pay for the girls of their choice, and I requested the older men to insist on every intending son-in-law producing the requisite lobola before handing his daughter over. In various other ways I endeavoured to appeal to their requirements and to advantages to be gained by the possession of money.

I informed them that I regretted to hear of the deaths that had occurred from amongst labourers at the Selukwe Mine, that I was making full enquiries into the causes thereof, and wished them to inform me openly of their opinions and to what they attributed the abnormal death rate. The chiefs replied that they had heard all I had to say, and that their people did not object to work, but they wished to work at places at which they did not die in such numbers. They complained of the quality of meal supplied at different times at the mines, that it was incompletely ground and not sifted, that the compounds were cold and that they were not allowed to have fires in them, that the air in the mines was very warm, contrasting in a marked degree to the open air, that they disliked the hospital, at which they were attended by a Xosa boy, and not by one of their own people, and that they were made to live with other nationalities with whom they could not agree.

I have simply stated what the chiefs replied to my enquiry. It will be as well for me to state here what conclusions I have arrived at as the result of enquiries made by me concerning the treatment and care of the natives who proceed from this district to work at the Selukwe Mines.

It appears to me that the defects are to be found chiefly in the compound organisation and the medical treatment, and also, but to a less degree, in the food. As regards the compound organisation it is very necessary that arrangements should be made to meet the requirements and characteristics of the natives who come from the district, and who are, I believe, the predominating class working at these mines. These natives wear little or no clothing; when they are possessed of a blanket it is generally of the flimsiest material. They therefore depend mainly on warm accommodation for protection against the cold. I suggest, therefore, that the matter of accommodation be immediately considered. The compound should be built on a protected and warm spot, not on the top of a rise and exposed to cold winds; it should admit of fires being made inside, and should be surrounded by a bush or reed fence or scherm, so as to enable the natives when off duty to enjoy the natural heat of the sun, without being exposed to cold winds. If arrangements could reasonably be made whereby the Mashonas at the mines had a separate compound, or were partitioned off from other native employees they would tend to create a better feeling.

As regards the medical treatment, it appears that a doctor does daily visit each mine, and that when a boy is ill he is attended by the doctor, and then left to the Xosa boy's nursing and care. I can fully appreciate the objections voiced by the natives to being left to a Xosa boy, and I would suggest that, if the employment of an European attendant at the hospital means too great an expense, the Mashonas should be attended by one of their own gang, who will sympathise more with the wishes and requirements of the sick. The natives of this district evince a marked dread of the hospital, which they all speak of as the "Black House" (Imba nema).

I may state that these natives have a firm belief in lying near a fire and being provided with watery coffee when ill, and doubtless when in hospital they are not

provided with much warm covering nor are they allowed fires. It appears, therefore, in order to meet their wishes, some huts in a warm locality at which they can have their fires and desired food, besides being attended by the doctor and provided with medicines, should be set apart for those of the Mashonas who may fall ill. I feel sure that this wholesome dread of the hospitals accounts for the majority of fatal cases, which, in my opinion, befall natives who, rather than go to hospital, leave the mine only to die in their attempts to reach home.

It appears further that at some of the mines, and especially at the Bonsor, a defective system of checking the boys' tickets when they come out of the mines obtains. Under the system boys who have just come out of the warm atmosphere of the mine are compelled to stand in a cold spot where they sometimes have to wait a considerable time for their tickets to be checked. This should immediately be rectified if found to be the case. With reference to the food, the natives complain that some of the meal provided at the mines is very badly ground, which accounts for the large number of cases of diarrhœa amongst them.

This is a complaint which should be looked into and can be obviated with a little care.

I am given to understand that at times the natives are unduly hurried down the shafts, before the fumes resulting from the blasting have escaped. This is a wanton carelessness and should not occur.

It will be understood that I am expressing an opinion formed from information gathered from the natives and from others qualified to speak on the subject, and I make my suggestions fully realising that much of the information I have received may be exaggerated upon facts. Nevertheless I feel confident that much remains that can be done at the various mines in the Selukwe District to meet the peculiarities and wishes of the Mashonas, which, if done, would remove the chief causes of their objections to working thereat, and should considerably lessen the death rate. As I anticipate that a fair number of natives will shortly accompany Mr. Drew to these mines, I urge that the suggestions I have put forward be immediately laid before the Companies responsible for these mines, in order that they may forthwith proceed to rectify what in the minds of the Mashonas are the causes of the abnormal death rate.

The natives informed me to-day that they were not unwilling to work; that they were glad the mines existed, as they enabled them to earn money, but that, for the reasons given above, they objected to work at the Selukwe Mines. They, however, stated that when Mr. Drew left they would get their young men to accompany him, and others would follow. I informed them carefully of the position Mr. Drew would hold at the mines, and they appeared to appreciate the attention I paid to their complaints and welfare. Mr. Drew will leave for Selukwe as soon after I have visited N'Danga as possible.

It will be understood that when the natives are paying their hut-tax as well as those around Victoria are doing, and I must state that even in Zululand I have not seen it paid more cheerfully and promptly, this subject of labour has to be very carefully handled, in order that what is said or done may not prejudice the natives to a wrong impression of the duties and responsibilities connected with one's position. I have used what arguments I could to induce them to work for more than the mere hut-tax, informing them that I spoke as their friend, as the person who was entrusted with their care and guidance, and as such having at heart a strong desire for their welfare and prosperity; and I trust that the lines upon which I have worked in the matter will be approved.

I leave for Chilimanzi District to-morrow, whence I shall proceed via Victoria to N'Danga and Gutu Districts.

H. M. Taberer,
Chief Native Commissioner.

(Bulawayo, September 16, 1899: Received October 9, 1899.)

Administration: Native Affairs, No. 21.

Native Labour.—I beg to forward copy of a letter from Mr. Taylor, the Chief Native Commissioner, Matabeleland, forwarding reports of meetings which he has held with native chiefs at Gwelo, Selukwe, and Insiza.

Mr. Taylor has now practically completed his tour through the province, and will return to Bulawayo in the course of a few days.

SIR, Native Department, Bulawayo, September 7, 1899.

I HAVE the honour herewith to forward reports of Indabas held at Insiza, Selukwe, and Gwelo. The meetings were thoroughly representative, and the demeanour of the natives was, in all cases satisfactory, there being no signs of discontent.

At the Insiza I found many of the natives were away at work, more particularly on the railway, but, notwithstanding, they sent a certain number for work on the mines at Selukwe.

At Selukwe the Indunas did not think there would be any difficulty in getting 400 boys to work in their own district.

The natives at Selukwe did not like the idea of the Witchcraft Regulations, and this constituted their chief complaint. It appears that witchcraft in that district is practised to a considerable extent, especially among N'Dema's people.

In the Gwelo District, which is a thinly populated one, I found that the natives had been continually going out to work, and this I substantiated by referring to the Labour Register.

During my visit to the Selukwe and Sebakwe I carefully inspected the native compounds at the various mines; in every case I found the comfort of the natives had been provided for, and the natives themselves appeared to be well fed and quite contented.

I regret to have to state that since leaving the Selukwe it has been reported to me that there are three cases of pneumonia among the boys from Bulilima District, and I am at a loss to give a reason for this, as, at the time of my visit, there were no cases of the kind, and all the natives appeared to be in the best of health. I have since advised the Manager of the Bonsor, where this disease is prevalent, to erect two or three huts at the mouth of the mine, as temporary shelter for the night shift boys, and if the experiment does not answer, then the compound will have to be removed to the same place. I must remark that the authorities at the Bonsor Mine have exerted every effort to allay the sickness amongst their employees, but, notwithstanding every precaution, the disease has not yet been stamped out.

Personally, I am of opinion that there must be some local cause peculiar to the mine, and it is certainly the duty of the medical officer to ascertain the true cause and report on the same.

I proceed to-day to the Bubi District, and on my way there I intend visiting the Somabula Native Reserve.

I hope to have completed my tour about the 20th of this month.

I have, &c.,
HERBERT J. TAYLOR,
Chief Native Commissioner.

The Secretary,
His Honour the Administrator,
Bulawayo.

Indaba held at Insiza *re* Native Labour.

There were present H. J. Taylor, Chief Native Commissioner, A. A. Campbell, Native Commissioner, T. Thomas, Assistant Native Commissioner, P. Nielsen, Labour Agent, and Sub-Inspector Tomlinson, British South Africa Police. Natives: Man-

yoba, Jahana, Masongo, Maziteza, Lugulube, Hole, Maledanisa (subsidized Indunas), also Makismana, Jumu, Oompona, Gudu, Dhliso, Mona, Ntembuzana, and 120 headmen and followers.

The Chief Native Commissioner, having greeted those present, said he had been to the various Native Commissioners' stations throughout the country, and had had satisfactory meetings at all. He was there solely in their interests. He did not wish them to regard him as apart from themselves. The particular matter he wished to discuss with them was the supply of labour, and before doing so he would point out to them the position of affairs. The first thing for them to understand was that this was a white man's country, at the same time they must know that their interests had not been lost sight of. The Government had set apart certain portions of this country for the natives to reside in. He pointed this out in particular in order that they might understand exactly the present state of affairs. Their duty was to go to work and not to remain idle in the kraals. Every white man who came into the country had to work and they should follow the white man's example and do the same. He had been nearly a month away from Bulawayo, and just before he left there a number of the mining people came to see him. They were very dissatisfied because there was no labour forthcoming, and they asked the Government to bring other labour in, because these natives would not work. He told the Mine Managers that he would go out and talk to the sensible people of the nation, as he felt sure that when he had done so the Government would not find it necessary to import other tribes. When he returned to Bulawayo they would ask him if he were prepared to guarantee sufficient labour in this country, and now it rested with themselves to back him up in this matter. Let them say, "We will work ourselves so that no other people need be brought into this country." He would much rather have these natives here and he was sure if they looked at the matter in a proper light they would see the necessity of meeting the white man's idea and turning out to work. He understood that some of them had complaints to make against the mines where they had been employed, in that they were not properly looked after. He had discussed the matter thoroughly with the Mine Managers, and they had promised to put up good compounds, and not only that but the Mine Managers had asked the Government whether they could not spare one of their officials, who would be solely responsible to them and the Government and see that the natives were well cared for. This official would be the one to whom they must go when desirous of working. They all knew Mr. Nielsen, if not personally, at least by repute. He was the official approved of by the Government as representing the labour supply for this district. He would make it his business to see all the Indunas of this district, and he would explain exactly to them the rate of wages, &c. In addition he would give every boy a pass which would be a guarantee for their wages. He wished every boy who went to work to pass through the labour agent's hands, so that the Government might know how many natives were turning out to work. Mr. Campbell had told him that the natives in this district had worked, at the same time there was always room for improvement. This present demand for labour was not a special thing. It would continue as the country went ahead. Just now he wanted 50 men from this district to work on the Government roads, and another 50 from the natives residing in the Mpopoti District, for work on the mines at Selukwe, and he wished these latter to meet him there on his arrival. Already in the Belingwe District, since Mr. Nielsen went there, more than 500 natives had gone to work, a large number also from the Matobo Hills, in fact, Muntuwani himself had promised to go out. There were others, too, from the Bulilima District, and he hoped the Insiza Natives would follow suit. The only way by which they could obtain cattle, sheep and goats was by going to work and earning money, and now this was a white man's country, it was the best thing for them to do. Wherever the white man went it was the same. At first the natives were content to sit idle at their kraals, but, after a time, they learnt that the only way to become rich was by going out to work. At present this was quite a new country from a white man's standpoint. Bulawayo was a small town at present, but in a few years it would grow to five or six times the size it now was. They would see other towns spring up in the same way, mines opened up and railways constructed all over the country. He was telling them all this to show that a large amount of native labour would be required in the future. Let them look at Johannesburg. There, the native labour employed was larger than in the whole of this country. If the natives in Matabeleland, Mashonaland, and those from the Zambesi all turned out to work

it would not be necessary to import other labour. He would like to see the natives of Matabeleland set the example. Mr. Campbell, they should understand, was still here representing the Administration, of course he would know from Mr. Nielsen how many natives were turning out. Mr. Nielsen's headquarters were at Belingwe. He, the Chief Native Commissioner, knew it was a long way there, and Mr. Campbell consequently had agreed that if they came to him he would issue passes on behalf of Mr. Nielsen, so that it would not be necessary for them to go to Belingwe. He, the Chief Native Commissioner, wanted them to discuss the matter among themselves at their kraals, and do their best to assist him. He was sure they would not like to see other tribes living alongside them. Of course, he did not expect that every one should turn out to work at the same time. He would be quite satisfied if every boy worked for three months in the year, then, when one lot returned from the mines, another lot could be got ready to relieve them. The rate of wages most of them were aware ranged from 20s. to 40s. per month, the higher pay being given to those who went below. In the countries to the south the natives had become so numerous that they had asked to be allowed to come and work here, but he, the Chief Native Commissioner, knew that it would cause a lot of dissatisfaction, so it had been decided not to bring others up for a while until the Government saw whether or not these natives here intended to work. In Bulawayo he was between two fires; on the one hand were the mining people urging him to supply labour, while, on the other, he had the interests of the natives themselves to consider.

There could be no forced labour; the Government would not allow it. At the same time he wished them to go out willingly, knowing that they were carrying out the wishes of the Government and studying their own welfare.

He was going on to Selukwe and would know what the result of this meeting was. If Mr. Campbell should report unfavourably, he, the Chief Native Commissioner, would begin to think the natives were indifferent to the expressed wishes of the Government.

He would have the Indunas realise that they were Government officials.

They were paid so much, and in return the Government looked to them to assist in supplying labour. They must see that the boys turned out to work as it was their duty to do so.

Masongo said he did not quite understand the chief's references to force not being used.

The Chief Native Commissioner said that what he intended to convey was that the messengers would not go to the kraals and say to this or that boy, "Here, you must come to work." The Indunas must tell the boys to go. If they refused, then those who did so must be reported at once to the Native Commissioner, who knew what to do.

But he did not think that there would be any cases of this kind. The boys knew well enough it was for their own benefit to turn out and work. A man who would not work when called upon was no better than a beast. With regard to the wages, he, the Chief Native Commissioner, did not know of any place where they got more.

Masongo said surely any boy going to work would get more and more money. It would increase by degrees.

The Chief Native Commissioner said he could not say how much each man would receive, but the Mine Managers would be very fair. It stood to reason that one man was worth more than another, and would be paid accordingly.

Masongo thanked the Chief Native Commissioner for the assurance that no other tribes would be brought in.

Manyoba expressed the same sentiment.

Maziteza, Induna of the Mpopoti natives, asked why they should be sent to Selukwe to work when there was work nearer at hand.

The Chief Native Commissioner said he quite understood that, but he would like to see them supplied in response to the wish of the Government. He would like 50 boys to go. If he found that there was genuine ground for complaint, he would see that no more went there. Mr. Campbell had told him that the old men had

reported that the boys did not receive their wages after working at Selukwe. Why did not they report direct to the Native Commissioner in such a case? The Government was here to see their wrongs righted. Whether a white man was wronged or a black man was wronged each had an equal right to ask redress at the hands of the Government.

Jahana said that those who went to work very often went of their own accord, and did not care to go to the Native Commissioner.

The Chief Native Commissioner replied that in consequence of this they did not get paid.

Jahana said they generally looked for the best pay. If the terms offered by the labour agent were greater they would go that way.

The Chief Native Commissioner could not agree with him. The mining people throughout the country had arranged to pay the same rate of wages. The best way was to make sure of their money was for them to pass through the labour agent's hands.

Jahana said the Government work was not paid as well as other work was.

The Chief Native Commissioner said the only Government work was when they turned out to make the roads. There must, of course, be a distinction between this and work on the mines. In doing either they were complying with the wishes of the Government.

The Chief Native Commissioner said he understood that the natives around Insiza wished to buy cattle. When Mr. Rhodes came up he, the Chief Native Commissioner, would tell him that, and they would then have the chance to buy more. When Mr. Rhodes arrived this month he knew that he would at once ask how the natives were turning out, and he would like to give a satisfactory reply. The Chief Native Commissioner then introduced Mr. Nielsen, who said he was glad of the opportunity of meeting those natives. He wanted to reply to what Jahana had said with reference to the rate of wages. When they broke in a young ox they could not get as much money for it as for an old one that knew its work thoroughly. So also with them; they must first learn their work, and then they could expect to receive good wages. Down at Gwanda a lot of the natives were earning very good pay. They had been working for a long time, and by this time they knew what they had to do. White and black in his country all were under the same Government, and it was incumbent on all to obey the voice of the Government.

Unlike their old Kings, who delighted in bloodshed, the Government wished to see the native working and improving themselves in every way possible. He would be visiting this district from time to time, and he hoped they would respond to his call whenever he came amongst them. They must understand how necessary it was to get a pass, as without that their wages could not be guaranteed, and it was far better for them to pass through his hands than to go about asking for work on their own account.

This concluded the Indaba.

A beast was subsequently handed over to the natives who attended.

Indaba held at Selukwe *re* Native Labour.

There were present H. J. Taylor, Chief Native Commissioner, W. I. S. Driver, Native Commissioner, Selukwe. Natives: Ndema, Banka, Danka. Sibolisa, and Mnikwa (subsidized Indunas), also Takawila, Sankundume, Makonisa, Sitsunke, Mabubisi, Mtshatsha, Nabati, Mabedzenge, Mpagami, Lubonga, Mpanduke and about 200 followers.

A native messenger interpreted the Chief Native Commissioner's address into the Seshuna language.

The Chief Native Commissioner, having greeted those present, said he had already travelled through a great part of Matabeleland, and had held meetings at the several

Native Commissioner's stations. These meetings had all been satisfactory, and he hoped the present one would be the same. He wished them to regard him not as distinct from themselves. This was now a white man's country, as they might see for themselves, but at the same time he wished them to understand that the interests of the natives would be looked after by the Government in the same way as those of Europeans. Certain reserves had been set apart for the natives, and no white man would be allowed to live on those reserves. In the olden days when Lobengula was King they were all Amahole; now, under the white Government, they all had equal rights and slavery was abolished amongst them. For this they ought to be very thankful, now that they could appreciate the contrast between what was and what is. In the time of Lobengula's rule they were treated like dogs; no one's life was secure from one day to another, whilst, at the present time, if they had any grievance to prefer, they could go for redress to the Native Commissioner of their district. Before he, the Chief Native Commissioner, left Bulawayo, the mining people came to him and complained of the insufficient supply of labour. They said none of the natives of the country would work, and asked permission to bring up other natives from the Colony and other countries, who were desirous to come. But he had replied that, rather than do this thing, he would go round the country and put the matter before the people of the country in a proper way, and then he was sure there would be no need to look for a supply of labour elsewhere.

And now, after seeing many of the natives in the other districts, he had come to visit them. He wanted them to supply boys to work in the mines. Already 500 boys had turned out from the Bulilima District. He had spoken to the mining people about providing proper accommodation and proper food for those whom they employed. He wished them to understand that no force would be used in getting them to work, but he trusted they would comply with the wishes of the Government by going to work voluntarily. The Indunas, whose duty it was, would tell those to turn out who should do so. He did not expect them all to leave their kraals at one and the same time. When those who had been at work returned home then others could take their place. They would not be asked to work at mines where they would be ill-treated. The white man had to work and they, now that this was a white man's country, should follow his example and do the same. If they worked they would soon be in a position to buy cattle and sheep and goats, and he would be glad to see them well off. No man could expect to prosper if he were content to sit idle at his kraal. They had seen what a number of boys had come from the Bulilima District. These had come a long distance, but they, the natives of this district, had work right at their very doors. Let them assist him by going to work, and then, when the mining people complained, he could say, "It is not so, they are all at the mines." When he held the first meeting at Bulilima he told Gambo that the people would only work for one or two months, and Gambo had replied that it was the fault of the Indunas in not insisting on their people working for a longer period. In the Matobos, where he held another meeting, Muntuwani, one of the Indunas, had offered to go to work himself in charge of a gang of boys. These natives had to go away from their own district to work, so it was with the natives of Filabusi, Mpateni, and Belingwe. Each gang went to work in charge of a headman, and he would like to see the same system adopted here, so that when they went to work they would have some one to look after them. Let them talk the matter over when they went back to their kraals. Ndema, he was sure, could easily turn out 100 men, because he had a large number of people in his location.

Banka, too, he could turn out 100, and the other Indunas should have no difficulty in supplying 50 apiece. They were now Indunas of the Government; they all drew salaries from the Government, and they were expected to do their best to obtain labour when it was required. The rate of wages, 30s. to 45s. a month, was known to them. Their Native Commissioner had informed him that they had turned out well, and that they were in demand at the mines, because they were good workers. From Selukwe he was going to Gwelo, and then on to the Bubi District, and after he left Selukwe their Native Commissioner would send a message to say how they were turning out to work. The Government had treated them well, and they had plenty of land to live on and nothing was demanded of them but 10s. a year as hut-tax. Bearing this in mind, they should turn out to work as requested. He now wished to speak to them on the subject of witchcraft. They must understand that the

Government imposed very heavy penalties on those who practised the custom of smelling people out. The Government would not allow it under any circumstances.

Sibolisa: We have always been accustomed to throw the bones. If any one is sick, how can we find out what is the matter with him unless we do so?

The Chief Native Commissioner: The white people long ago were superstitious, but now we have learned better, and we wish you to do the same.

Sibolisa: If we discontinue this all our people will die. We have no other means of doctoring them.

The Chief Native Commissioner: Have you tried to do without them?

Sibolisa: Our forefathers all used the bones when the people were sick, and they recovered, and we wish to do the same.

The Chief Native Commissioner: I cannot discuss the subject any further, because it is like arguing with a child. You will see, as time goes on, that it is foolish and discontinue the practice.

To the Indunas: Now, I want you to speak out if you have anything to say.

Ndema: We have no grievances.

The Chief Native Commissioner: I am glad to hear that, and pleased to know that you are contented.

Ndema: There is a scarcity of food at our kraals.

The Chief Native Commissioner: Then why do you not turn out and work and obtain money to buy food?

Punya (a native of Banka's) was glad to hear the Chief Native Commissioner say that they were not all expected to turn out and work at the same time.

Ndema said he should like to be allowed to carry a gun.

The Chief Native Commissioner said he would leave the matter to the discretion of their Native Commissioner. In any case, permission would only be extended to the Indunas.

The Chief Native Commissioner advised their old men not to allow their girls to be married until the lobola had been paid. It was not right for a woman to go to her intended husband's kraal until this had been observed.

This concluded the Indaba, after which the natives danced, and a beast was killed for their entertainment.

Indaba held at Gwelo *re* Native Labour.

There were present H. J. Taylor, Chief Native Commissioner, F. G. Elliott, Native Commissioner, P. A. Stuart, Assistant Native Commissioner, Captain Cazalet, British South Africa Police, and P. G. Smith, Resident Magistrate. Natives: Mnindwa, Mpande, Sogwala, Gambiza, Siwudulu, and Ntataza, representing Bunina (subsidized Indunas).

There were about 50 natives present in all.

The Chief Native Commissioner, having greeted those present, said he wished them to look upon him not as distinct from themselves but as one of themselves. He was on a tour round the country, and had held meetings at most of the Native Commissioners' stations, all of which so far had been successful. He had not come to blame them, but to discuss the labour question with them. The whole country was crying out for labour, and he wanted them to turn out and work on the mines at Selukwe and Sibakwe. How would they like other tribes to be brought into the country? This, however, would be necessary, unless sufficient labour were forthcoming. He hoped they would obviate this by turning out to work. This was now a white man's country, as they might see for themselves, but, at the same time, the interests of the natives had not been forgotten. Certain lands had been set apart as native reserves, and no white man would be allowed to live on those reserves. They would not like to see other tribes living alongside them, but a certain amount of labour was required, and it must be obtained somehow. The Chief Native Commissioner pointed out the advantages accruing on the earning of regular wages. By working a few months they could obtain money to purchase oxen and sheep and goats, and so become rich. They could not expect to get much if they only worked

for a month or so. They knew the rate of wages to be from 20s. to 45s. per month. Unless a man worked for some little time, it was not to be supposed that he could earn the highest wage. With regard to their treatment on the mines, he had spoken to the Mine Managers on the subject, and they had promised to build good compounds and look after their boys in a proper manner. He was glad to hear from the Native Commissioner of the district, Mr. Elliott, that they had been turning out to work well. The Chief Native Commissioner then cautioned the natives against practising witchcraft, and told them that the Government imposed very heavy penalties on those offending in this respect.

Sogwala said, referring to the labour question, that the boys never had a chance to remain in their kraals.

The Chief Native Commissioner explained that by the ticket system every man would work for a certain period each year, and by means of the passes the Government would know exactly who had worked and who had not. When those who had worked returned to their kraals, then a fresh lot could take their place.

Native Commissioner Elliott said that in the Gwelo District, owing to the large number of mines, and the small number of natives in the vicinity, there was a constant drain on the kraals, in fact, they had been called out to the last man. The natives appeared to be anxious to buy cattle, and one said that if the cattle were brought here so that they could see them, perhaps they would take a fancy to them, and so be induced to go to work and earn sufficient money to buy them.

Gambiza, corroborated by others, wished to inform the Chief Native Commissioner that they were having a great deal of trouble and annoyance with their women. He complained that they came into town, and were kept by the Cape boys and others, working about the township. That very day two of his girls had come in against his orders.

The Chief Native Commissioner said the remedy was plain. When such cases were reported the girls should be at once returned to their kraals, and the men keeping them tried for abduction. If the young women wanted to marry they must do so in the proper way. The Chief Native Commissioner further impressed upon them the necessity of not allowing a girl to leave her father's kraal until the whole of the lobola had been paid up.

The natives expressed themselves thankful to the Government for setting apart reserves for them. After a discussion on minor details the Indaba terminated.

Eight goats were distributed amongst the natives attending.

No. 2.

COLONIAL OFFICE to the BRITISH SOUTH AFRICA COMPANY.

[*Answered by No* 4.]

SIR, Downing Street, December 23, 1899.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 26th of October,* enclosing copies of the minutes of a meeting of your Directors held on the 18th of that month, and of the papers relating thereto.

2. Among those papers, in annexure 14, are a number of reports of Chief Native Commissioner Taylor's interviews with native chiefs, at which explanations were given

* No. 1.

as to the new system under which native labour is to be obtained for the mining companies by Labour Agents.

3. Mr. Chamberlain observes that in the course of those interviews the Chief Native Commissioner on several occasions employed language which indicated that the native chiefs were expected by the Government, which pays their salaries, to supply native labour as it is required.

4. Your Directors will remember that in December, 1896, when the policy of using the Indunas as salaried Government officers in their several districts was first mooted, Mr. Chamberlain informed the High Commissioner that he had "grave doubts as to the wisdom of a direct inducement being offered to the chiefs to supply native labour, as it might lead to something like compulsory labour, which cannot be permitted."

5. I am to remind you that when the clause in the Native Regulations providing for compulsory labour was disapproved by Mr. Chamberlain, he expressed, in the letter from this Department of the 8th of August, 1898,* his readiness to consider any suitable adaptation of the Glen Grey Act or other scheme of indirect inducement as soon as the administration might be in a position to present their proposals, but, so far, no proposals have been made for Supplemental Regulations in accordance with the intention of the Company as expressed in your letter of the 6th September, 1898.*

I am, &c.,
FRED. GRAHAM.

No. 3.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, December 23, 1899.

I HAVE the honour to inform you that among the documents recently transmitted to me by the British South Africa Company, under the provisions of clause 6 of the Supplemental Charter, there are a number of reports of indabas held by the Chief Native Commissioner, Mr. H. J. Taylor, in various parts of Southern Rhodesia, the main purpose of which seems to have been to explain to the Indunas the new system of Labour Agents, and to encourage them to assist in increasing the supply of labour for the mines.

2. The position, as I understand it, is as follows. The mines are in need of labour, and the Administration is naturally anxious, for the sake of the native inhabitants, as well as other reasons, to help them as much as possible to obtain it from within the country rather than let them obtain it from outside. An Ordinance (No. 9 of 1899) was passed during the last session of the Legislative Council, one object of which is to discourage the recruiting of natives in Southern Rhodesia for labour beyond the borders of that territory. At the same time, a system is set up, under which, as I gather from the enclosures to your despatch of 9th August,* Labour Agents, whose business it will be to recruit for the Rhodesian mines, will be salaried officials of the Chambers of Mines, their names being submitted to the Administration for approval, though for the Acts of these Agents the Chambers of Mines will be responsible.

3. In his recent tour the Chief Native Commissioner introduced these Labour Agents to the Indunas, and recommended the system to them. I gather from the papers sent to me by the British South Africa Company, that there have been complaints of the accommodation and food provided for labourers in some of the mines. In regard to these points, Mr. Taberer has made proposals in a report, dated the 12th of August last, and the British South Africa Company are communicating with the mining companies, with a view of having matters improved. In some cases the natives asserted that they were not paid regularly, and they also assert that those who get work on their own account get better pay than those who are recruited under the auspices of the administration. The

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* Not printed.

Chief Native Commissioner stated, in reply, that all the mines have agreed to give the same rate of wages for the same kind of labour. But while this appears to be a sufficient answer to the last-mentioned complaint, the arrangement seems to be open to the objection that as the natives will prefer to work in the more healthy and better-managed mines, the Labour Agent will be induced to put pressure on them in order to supply the deficiency of labour in the less healthy and less well-managed.

4. I fully appreciate the desirability of encouraging the natives of the country to become industrious, and I have no doubt that the advice given by the Chief Native Commissioner at these meetings will have a good result. But I notice that the language employed by him on more than one occasion is liable to misunderstanding, and I cannot pass it over in silence.

5. The Indunas, whilst they were clearly informed by him that the Government would not allow forced labour, were at the same time led to understand that they were expected to supply the necessary number of labourers, and that, as Government officials with stipends, they were to carry out the wishes of the Government.

6. For instance, in the report of the indaba held at Insiza, the following passage occurs :—"There could be no forced labour, the Government would not allow it. At the same time he (the Chief Native Commissioner) wished them to go out willingly, knowing that they were carrying out the wishes of the Government, and studying their own welfare. He would have the Indunas realise that they were Government officials. They were paid so much, and in return the Government looked to them to assist in supplying labour ; they must see that the boys turned out to work, as it was their duty to do so. Masongo said he did not quite understand the Chief's reference to force not being used. The Chief Native Commissioner said that what he intended to convey was that the messengers would not go to the kraals and say to this or that boy, 'Here you must come to work.' The Indunas must tell the boys to go. If they refused, then those who did so must be reported at once to the Native Commissioner, who knew what to do."

7. At another indaba, at Inungu Malema District, the Chief Native Commissioner said : "How would they like it if he were to send the Police and messengers round to their kraals to turn the people out to work ? They would think it very hard. Very well, then, they must listen when he tried to reason with them."

8. At the time when the policy of using the Indunas as salaried Government officers was first mooted, I informed your predecessor, in my telegram of 10th December, 1896,* that I had "grave doubts as to the wisdom of a direct inducement being offered to the Chiefs to supply native labour, as it might lead to something like compulsory labour, which cannot be permitted."

9. The system of obtaining a supply of labour through the Indunas, as set forth by the Chief Native Commissioner, appears to be liable to lead to a form of compulsory labour, and I desire therefore to request you to call the attention of the Resident Commissioner to the language used by Mr. Taylor, and to instruct him to furnish a full report upon the whole subject of the recruiting of labour for the mines.

10. I enclose a copy of the letter which I have caused to be addressed to the British South Africa Company,* in regard to the matter, in which attention is drawn to the omission of the administration of Southern Rhodesia up to the present time to make any proposals in substitution for the labour clause which it was proposed to include in the Native Regulations, and which I could not approve. Those Regulations in the form in which they were issued, only provide that the Chiefs and District Headmen shall "assist in collecting the hut-tax," and "be responsible for the payment of hut-tax from their kraals" respectively [Part IV. (5) and Part V. (6)], and do not impose upon them any duty in regard to the supply of labour. Page 19 of C. 9138.

11. I observe that at the indabas held by the Chief Native Commissioner, reference was frequently made to the custom of paying "lobola," which acts as an indirect induce-

* No. 2.

ment to labour, and I should be glad to receive a report by Sir Marshal Clarke upon the system which is in vogue in Southern Rhodesia, and also to learn whether he would recommend that regulations in regard to the payment of "lobola" should be laid down by the administration similar to those which have been adopted for Zululand.

I have, &c.,

J. CHAMBERLAIN.

No. 4.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received February 23, 1900.)

[*Answered by No.* 5.]

15, St. Swithin's Lane, London, E.C.,
February 22, 1900.

SIR,

I AM desired by my Directors to state that their consideration of your letter of December 23rd, 1899,* has been delayed by the urgency of questions connected with the immediate security of Rhodesia and by difficulties of communication.

The subject of your letter of August 8th, 1898,† to which your letter under reply refers, has, however, been by no means overlooked. It has been frequently discussed both by the London Board and by the Legislative Council, and on May 26th, 1899, a Select Committee was appointed upon the motion of Colonel Grey and Dr. Sauer, two elected Members of the Council, to report on the system of native labour in connection with other details of native administration. The report of this Committee (at which His Honour the Resident Commissioner attended) has been already communicated to the Secretary of State, so that I need not refer to it in detail. You will doubtless have observed that an Ordinance on the whole matter was to be submitted to the Council at its next Session. Unfortunately the declaration of war against Her Majesty by the South African Republics, and the course of the campaign up to the present date, have interrupted the further exchange of views between the London Board and the Administrator, and have also necessitated the postponement of the session of the Legislative Council.

For these reasons the Administration is not yet able to submit proposals of the nature invited by Mr. Chamberlain, but in the meantime, in view of misconceptions which prevail in uninformed quarters, my Directors think it exceedingly important to dispel the impression suggested by your letter of December 23rd last*, that the proceedings of Chief Native Commissioner Taylor at the indabas held by him last year tended towards a system of compulsory employment and indicated that the receipt of an official salary by an induna was conditional upon his supply of labourers.

It appears to my Directors that no one could study exhaustively the reports of these indabas without perceiving that the policy of the Chief Native Commissioner was diametrically the reverse of that suggested. Undoubtedly the receipt of a salary by an induna implies a responsibility on his part to uphold the authority and promote the policy of the Government. Undoubtedly, also, the encouragement of settled habits of industry must be one of the primary objects of any Government which is charged with the welfare of native races. But these indabas by no means consisted of salaried indunas—a very limited class as compared with the large numbers of leading natives convened. It is impossible to read the reports without perceiving that Mr. Taylor's fundamental idea was most wisely and legitimately to induce voluntary industry by pointing out its advantages to the individual and by creating a strong current of public opinion in its favour. So far from suggesting compulsion, any recourse to compulsion

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* No. 2.

† Not printed.

was specifically forbidden by him on repeated occasions (*e.g.*, at M'lugulu, Mpateni, and Belingwe, in August; at Insiza, Selukwe, and Bubi, in September), and my Directors believe that the Secretary of State's attention cannot have been directed to these passages. On the other hand, they have been unable to discover the references which support the suggestion of your letter that the salaries paid to indunas were conditional on the supply of labour. Indeed it seemed to them that the inducements used by Mr. Taylor were in every way humane and judicious. They were as follows:—

(*a*) The danger to the natives of being supplanted by the competition of more industrious immigrants.

(*b*) The opportunity for each individual to acquire cattle and other property through the accumulation of wages.

It may be observed that the current wages paid to natives in Rhodesia, with food and medical care provided, compare favourably with European standards, and further that the Company is arranging for the importation of cattle and their sale to the natives at a bare margin over cost price so that there may be an attractive investment at hand for the wages earned by each individual.

It should be noted that the system under review carefully provides for contracts with the individuals, not with the chief or any gang-master, that the wages, when earned, are paid to the individual, and that he is emphatically assured that the Government will not permit his services to be retained by employers who neglect his health and welfare. A system more judicious, more humane in intention, and better guarded against the evils of forced labour on the one hand, and uncontrolled competition on the other, could scarcely be conceived.

My Directors have discussed this question in some detail because they think it would be exceedingly discouraging to experienced and humane officials like Mr. Taylor, and also injurious to the weight of future representations which, under conceivable circumstances might be necessary if the spirit and purpose of their dealings with the natives were inadvertently misconstrued by the Imperial Authorities at home.

I am further to point out that the High Commissioner has presumably been fully informed through the Resident Commissioner as to the policy and action of the Native Department, and that so far as my Directors are aware, he has expressed no dissent therefrom to the Administration.

I am, &c.,

J. F. JONES,

Secretary.

No. 5.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, July 12, 1900.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 22nd February last,* relative to the system of obtaining native labour in Southern Rhodesia.

With reference to the fourth paragraph of that letter, I am to request that you will inform your Directors that, when the letter from this Department of the 23rd December last was written,† Mr. Chamberlain was aware that Mr. Taylor had expressly stated at

* No. 4. † No. 2.

the indabas held by him that the Government would not allow forced labour, but I am to point out that Mr. Taylor at the same time used language which, as stated in the letter from this Department above referred to, "indicated that the native chiefs were expected by the Government, which pays their salaries, to supply native labour as it is required." For instance, in the report of the indaba held at Insiza the following passage occurs: "There could be no forced labour; the Government would not allow it. At the same time he (the Chief Native Commissioner) wished them to go out willingly, knowing that they were carrying out the wishes of the Government and studying their own welfare. He would have the indubas realise that they were Government officials. They were paid so much, and in return the Government looked to them to assist in supplying labour; they must see that the boys turned out to work, as it was their duty to do so. Masonga said he did not quite understand the Chief's reference to force not being used. The Chief Native Commissioner said that what he intended to convey was that the messengers would not go to the kraals and say to this or that boy, 'Here you must go to work.' The indunas must tell the boys to go. If they refused, then those who did so must be reported at once to the Native Commissioner, who knew what to do."

It is stated in your letter that the Administration of Southern Rhodesia is not yet able to submit its proposals for the encouragement and regulation of native labour. I am to observe that the matter is one which must have engaged the consideration of your Directors for a considerable time, and that Lord Grey, at the meeting of the Company held in December last, referred specially to the subject. Moreover, it would appear from Annexure 8 to the minutes of proceedings of the board meeting of the Company held on the 10th of April that an Ordinance on the subject has already been drafted.

Mr. Chamberlain is of opinion that it would be convenient if the proposals on the subject reached him in the form of a Draft Ordinance or otherwise, in order that the policy which it is proposed to adopt may be fully considered before the legislation intended to give effect to it is submitted to the Legislative Council of Southern Rhodesia.

I am, &c.,
FRED. GRAHAM.

No. 6.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received July 13, 1900.)

[*Answered by No.* 9.]

15, St. Swithin's Lane, E.C.,
London, July 12, 1900.

SIR,

I AM directed to refer to your letter of the 23rd December last,* and to my reply of the 22nd February last,† upon the question of native labour. I am also to transmit, for your information, copy of a letter dated Salisbury, 25th April, 1900, which has been addressed by the Senior Administrator to the Resident Commissioner upon the same subject.

My Directors have been pleased to note that the reports now received entirely corroborate the views expressed by the Board in my letter of the 22nd February last,† as to the attitude and action of the Administration in this matter, and they trust that Mr. Chamberlain, in the light of fuller knowledge of the actual circumstances, will be satisfied that his impression that compulsion might possibly have been employed has been entirely due to misconception resulting from the condensed reports of Mr. Taylor's indabas; that it is in no sense borne out by the facts; that on the contrary, it is entirely opposed to the whole policy and practice of the Administration in dealing with the natives, and that the methods employed have been wise, humane, and well suited to the circumstances.

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* No. 2. † No. 4.

In further reference to the last paragraph of your letter of the 23rd December last,* I am to direct your attention to the penultimate paragraph of Mr. Milton's letter, and to say that as soon as the proposals of the Administration are received they will be submitted for the approval of the Secretary of State.

I am, &c.,
J. F. JONES,
Secretary.

Enclosure in No. 6.

SENIOR ADMINISTRATOR, Salisbury, to RESIDENT COMMISSIONER.

SIR, Administrator's Office, Salisbury, April 25, 1900.

I HAVE the honour to acknowledge the receipt of Your Honour's despatch of the 9th February, asking for full particulars as to the methods adopted in Mashonaland and Matabeleland in regard to recruiting of labour for mining work, and as to the system in vogue regarding the custom of "Lobola."

I have first to express my regret that my reply has for several reasons been delayed.

In regard to the labour supply, it is known to Your Honour that the Administration has endeavoured as far as possible to keep aloof from the work of obtaining labour for mining and other purposes, in order that the Native Commissioners may be able to discharge their more legitimate functions of protecting the interests of natives engaging themselves for labour.

With this object the formation of Labour Bureaux has been urged upon the Chambers of Mines, the Administration being represented upon the Management Committees by the Chief Native Commissioner, and in the case of Mashonaland, lending the services of one of their officers to manage the compound. The latter arrangement has now ceased, and the Bureau employs its own officer. The Bureau Committee were at the outset given clearly to understand that the Administration expected them, in return for this and other assistance, to appoint their own agents, subject to my approval of the persons selected, in all districts from which they might desire to obtain labour. The Committee represented that for the present their funds and the amount of labour available and required would not permit them to engage a large staff of agents, but admitted their responsibility in the matter, and I accepted their view of the position at the time.

In the District of Victoria, which includes the native districts of Victoria, Gutu, Ndanga, and Chibi, the whole work of obtaining labour is carried out by agents appointed by the Bulawayo Chamber of Mines. This is the principal reservoir of labour in the country, and its natural field of work is the mining district of Selukwe in Matabeleland.

In other districts in Mashonaland the practice is as follows:—Native Commissioners in the course of tours of inspection and in other ways constantly bring before the Chiefs and people the advantages of obtaining money by labour in order to pay taxes and acquire stock. The people are told that if they go to the Labour Bureau they will be assured of good treatment and proper wages. They are encouraged to inform the Native Commissioner of the class of work they require, or any particular mine or district they wish to work in, and efforts are made to meet their desires. This is the explanation of the terms "collecting" or "supplying" labour which so frequently appear in the reports of the Native Commissioners. No attempts are made either by money gifts to the chiefs or threats of compulsion to make men work. A large proportion of the natives so "collected" come to the Native Commissioner voluntarily and ask him where they shall go to look for work. In other cases the Native Commissioner, on being asked by the Bureau whether any labour is available for certain work, sends to or visits locations where he knows that labour is available, but in many instances he fails to obtain it. In no case does the Native Commissioner enter into a contract with the natives. Natives responding to the call are registered by the Native Commissioner and are given passes to proceed to the particular place where labour is required, or generally to any place they may desire to go to in search of employment.

In districts where labour agents are employed, the part taken by the Native Commissioner is to introduce the agents to the Chiefs, telling them that such agents are

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* No. 2.

approved of by the Government, and that they will be safe in engaging themselves with the agents who will see to their distribution and supply food while travelling. At first natives were somewhat shy of dealing with the agents, and preferred to continue their custom of going to the Native Commissioner for work, but recent reports show that confidence in the agents is increasing, and I have every hope that gradually Native Commissioners will be entirely relieved from the necessity of "collecting" labour.

It has happened in one district that the natives complained that the interpreters employed by the labour agent had used threats that they would be compelled to work. Full enquiries are being made into this allegation, and the offenders are before the Court of the Magistrate of the district.

The Administration is devoting itself to seeing that proper compounds and food are provided at the mines, and the suggestions made by it to the mining companies have been readily adopted, with the result that marked improvement can be seen.

It is in contemplation to appoint Inspectors of Compounds, with powers to be defined by legislation, who will visit as frequently as possible all compounds in the country. This step with the frequent visits made by Native Commissioners will ensure proper supervision and the reform of any abuses that may exist.

I append a report from the Administrator of Matabeleland dealing generally with the method of recruiting labour in that Province, and in particular with the comments of the Right Honourable the Secretary of State upon the reports by the Chief Native Commissioner, Matabeleland, upon certain indabas held by him with the natives. To this is appended the personal report of the latter officer.

To this I only wish to add that the character and actions of Mr. Taylor in the past entirely forbid the assumption that he would in any way countenance any system of compulsory labour. He is well known to and trusted by the Chiefs and people, and has their real interest at heart.

It was the intention of the Administration to submit proposals in regard to the imposition of a labour tax prior to their inclusion in an Ordinance to be laid before the Legislative Council at its last session. The course of events in South Africa, however, caused me to doubt the wisdom of bringing forward such proposals at the present time, and in the course of conversation with His Excellency the High Commissioner in Cape Town in December last, His Excellency concurred in this view. When the condition of the country becomes normal, the Administration propose to proceed in this direction by Ordinance.

I append copies of certain instructions issued in regard to the collection of labour, and also as requested in the concluding paragraph of your letter separate reports by the Chief Native Commissioners upon the custom of "lobola."

I have, &c.,
W. H. MILTON,
Administrator.

His Honour
The Resident Commissioner,
Salisbury.

SIR, Bulawayo, April 5, 1900.

IN compliance with His Honour the Resident Commissioner's request, I have the honour to report upon the subject of the recruiting of labour for the mines in Matabeleland.

In reference to Mr. Secretary Chamberlain's despatch of December 23rd, 1899 (2), it is in my opinion most desirable that the natives should be taught as soon as possible the advantages of labour not only for the sake of their own material welfare, but that they may become useful and law-abiding citizens.

The native of this country is naturally averse to any system of regular work, though he is gradually learning that it is only by acquiring money in the service of white employers that he may hope to become possessed of the material comforts of civilization.

It is obviously impossible to develop the mines of this country without an adequate supply of labour, which must either be procured locally or be imported from other countries.

For their own sakes I would much prefer to see the natives of the country employed rather than foreigners, and I have therefore felt justified in instructing the Chief Native Commissioner to point out the advantages that will accrue to them by coming forward readily to work, and the disadvantages that they will suffer if a large number of workmen from other countries have to be introduced and settled in Matabeleland. I have always been careful to impress upon him and every member of the Native Department that the Government would not sanction compulsory or forced labour in any form. It was in the spirit of these instructions that the circular marked " B," attached to the Chief Native Commissioner's Report, was issued to all Native Commissioners in Matabeleland.

2. In regard to Mr. Chamberlain's remarks *re* Labour Agents, I would point out that the Labour Bureau and not the Chamber of Mines is responsible for the acts of these Agents. The Labour Bureau is so constituted (being composed of three members nominated by the Government of whom the Chief Native Commissioner is one, and three members nominated by the Chamber of Mines) that it is impossible for the Government not to be cognizant of the way in which the Labour Agents fulfil their duties.

3. It is true that there have been complaints of the accommodation provided for labourers in some of the Mines ; these complaints came generally from mines in the Selukwe District.

In April, 1899, I myself visited the Selukwe mines, and it was chiefly in consequence of the strong representations that I made to the manager of the Bonsor Mine that an entirely new compound was built for the natives there, and a proper hospital erected for the sick.

In August, 1899, Native Commissioner Drew was specially sent by the Government to watch over the interests of the natives themselves at Selukwe. Whilst there Mr. Drew made several recommendations to the various mine managers in regard to the management of the compounds, the accommodation provided, and the quality of the food given to the natives, and without, I believe, one exception his recommendations have invariably been adopted. The appointment of a Permanent Inspector of Compounds is now being considered by the Government.

From time to time complaints are made of the irregular payment of wages, but these complaints are as a rule general and vague, and it is difficult to find any specific instance in which wages have been withheld from natives. Confusion arises in the native mind from the fact that the same system of payment is not universally adopted. Some employers pay by the calendar month, others by a month of four weeks, others by a month of five weeks (thirty working days) and others by the day ; consequently the native who has worked under one system at one mine is dissatisfied when working under another system at another mine which system he does not understand. I do not believe that many cases of injustice occur though I think the adoption by all employers of labour of a universal system of payment either by the day or by the calendar month is very desirable.

In regard to the suggestion that pressure may be put upon the natives to work in the less healthy and the less well-managed mines, I beg to call Your Honour's attention to Annexure " A," Chief Native Commissioner's Report, Section 2. You will observe that the labour agents are instructed to meet as far as possible the wishes of the natives when any preference is expressed for working in a certain mine. These instructions to the labour agents have, I believe, been carefully carried out. It is obvious, however, that no one mine can take more than a certain number of boys. It is possible to conceive that applications might be made in excess of the number that could be accommodated at one mine, and the surplus would have to seek employment elsewhere. In this case the wishes of the natives could not be met.

4. At the time that the Labour Agency was about to be instituted I instructed the Chief Native Commissioner to make a tour through the various districts of Matabeleland with the dual object of ascertaining the condition of the natives at the various mines, and also to point out to the natives that it was the Government's wish to see the natives of this country coming forward freely to work, and that if they did not do so there was every probability of other natives being brought in and settled in the country who would

work in the mines and divert to themselves the wages which would otherwise be paid to the natives of this country. I therefore instructed him to urge the Indunas to use their influence with their people, and meet the Government's wishes and come forward to work, though I impressed upon him to make it perfectly clear that nothing in the way of compulsory or forced labour would be sanctioned. I consider that the Chief Native Commissioner was justified in urging the natives in their own interests to go out to work, and I regret that he should have made use of any expression which could be capable of being misunderstood.

The fact that the supply of native labourers for the mines falls far short of the demand when taken into consideration with the fact that the natives of this territory are sufficient in number to meet all the present demands would point to the conclusion that natives do not go to work except voluntarily.

I regret to say that quite recently a case has occurred where native messengers, sent by one of the labour agents to collect boys, used force. The offence was at once reported to the nearest Native Commissioner, and the offenders are now in prison awaiting trial. This occurrence will certainly be generally known to the natives, and it will be ostensible proof of the truth of the assertion that the Government will not sanction anything in the way of force being used in the collection of labour.

I assume that Your Honour will give expression to the views of the Government upon the question of a labour tax. I have therefore not dealt with that particular point.

I attach the Chief Native Commissioner's Reports upon the question of labour and "lobola."

I have, &c.,
A. LAWLEY,
Administrator of Matabeleland.

His Honour
The Administrator of Mashonaland,
Salisbury.

Chief Native Commissioner's Office, Bulawayo,
May 26, 1900.

SIR,

I HAVE the honour to acknowledge receipt of your communication covering despatches from the Right Honourable the Secretary of State for the Colonies, calling for a full report upon the whole subject of the recruiting of labour for the mines of Southern Rhodesia, also a report upon the system now in vogue in South Rhodesia regarding the custom of "lobola."

These reports I now attach, covering annexures :—

A. Instructions from Chief Labour Agent to his subordinates.

B. Report from Mr. Driver, Native Commissioner, Selukwe, *re* health of natives at mines in that district.

C. Tariff of wages agreed upon by the Chamber of Mines.

D. Circular No. 16/99 from Chief Native Commissioner to Native Commissioners *re* Labour Agents.

The reports refer to this province alone, which is under my direct control.

I have, &c.,
HERBERT J. TAYLOR,
Chief Native Commissioner.

The Secretary,
Bulawayo.

Report on the Method of Recruiting Native Labour.

The method now in vogue for recruiting native labour for work on the mines in Southern Rhodesia is as follows :—

A Labour Bureau, under the charge of a Chief Labour Agent, has been established in Bulawayo since April, 1899. The Executive under the Chief Labour Agent consists of five Labour Agents operating in Matabeleland, and the Victoria District of Mashonaland ; these are men specially selected for the work, having an intimate knowledge of the language and customs of the Natives and are well-known to the natives amongst whom they recruit. They are salaried officers of the Chamber of Mines, and appointed to their posts on approval by His Honour the Administrator. Although they are directly employed by the Chamber of Mines, at the same time in their dealings with the natives they are carefully watched by the Native Commissioners at or near whose stations they reside, and natives having grievances against a Labour Agent are expressly encouraged to report them at once to their Native Commissioner as the responsible representative of the Government.

A Labour Agent when recruiting visits the Indunas and headmen of the various kraals in his district periodically and arranges to meet them to discuss matters at specified intervals. A Labour Agent's native messengers are used to acquaint Indunas and headmen of his intended visits and to conduct recruits to the mines to which they are allotted, food and protection being provided whilst en route thither.

In alloting the boys to the mines, the Labour Agent, as far as possible, sends them to those mines nearest to the vicinity of their respective kraals. This, of course, cannot always be done where the mining centres and centres of labour supply are far apart, as, for instance, the Bulilima District, where no mining work whatever is carried on and from which a large proportion of labour is derived.

The instructions issued by the Labour Bureau to the Labour Agents will be found in annexure A.

Re Accommodation and Food.—That natives employed on the mines had grievances against their employers with regard to accommodation and food I do not deny, and this was one of the principal reasons which induced me to personally investigate their mutual relations during the latter part of last year. I found generally that the mine managers were fully alive to the necessity of treating their boys well, as, where they have not done so, they found those who had worked for them unwilling to return ; so, from motives of self-interest, if from no other, it was the only wise course to pursue. I found occasion at a few places to insist on certain improvements and alterations in the mode of treatment and stated that unless they were carried out to my satisfaction I should not recommend further labour being supplied to them through the Bureau.

Health.—With reference to natives wishing to work on the more healthy and better managed mines, I would point out that the remarks I have already made show that where mis-management or ill-treatment did exist they have now given place to a better state of things, and, with close supervision, I can safely assert that a uniform system is being and will be adopted, thus only leaving exception on the score of health. Some mining districts are naturally unhealthy, and where this obtains, extraordinary precautions have been taken to counteract local causes of ill-health. The accompanying report of the Native Commissioner at Selukwe (Annexure B) fully corroborates this. The Selukwe Mines, up to the time of my visit in August of last year, had, owing to the comparatively high death rate, acquired a bad reputation ; the report substantially proves that this objection no longer exists.

The Right Hon. the Secretary of State takes exception to the language employed by me on more than one occasion as "liable to a misunderstanding." I should therefore respectfully desire to make a few explanatory remarks in order to remove the erroneous impression which the reports appear to have produced.

After the war of 1896 the natives from one end of the country to the other were in an utterly disorganised state. With famine staring them in the face numbers were saved only by the prompt intervention of the Government in supplying them with food in Bulawayo. The problem at that time presented to the Government of how to resettle the natives in the country and turn their existence to account was no easy one. The only

feasible solution was to re-allocate the various tribes and place them directly in touch with law and order as represented by the Government. This could only be achieved by appointing certain of the principal Indunas sub-Government officials who would be responsible for the behaviour of their people, and by paying them a salary, the continuance of which and the holding of their position would be entirely dependent on the manner in which they discharged the trust reposed in them. This was the first step towards organisation. The second was to give the natives an opportunity of realising the benefits of civilised rule and the white idea of citizenship. Being educated to these there was no difficulty in collecting the hut tax when it was first imposed, the natives recognising that in order to participate in the advantages of a just administration each one must and should individually contribute to its maintenance. It will, I trust, be conceded that to use every legitimate means to induce the natives to go to work is a policy based on wise and approved principles. In Matabeland we have an adult native male population of approximately 20,000. Now it is known that the cultivation of the native lands is carried on almost exclusively by women, children, and the aged; so that, were there nothing to employ the time of the remainder outside their own kraals, they would spend it in unprofitable idleness or what is much more certain, become a dangerous element in the community to be reckoned with. It is inherent in the native to scheme against authority and the more so when enjoying liberty and comparative independence never experienced by them in the time of Lobengula. In order to divert the native mind from this tendency to sedition and to enable him to improve himself there has been but one course open, namely, to educate him to work for a livelihood, and so earn the means to provide himself with property in the shape of cattle, sheep, and goats. This I have always endeavoured to impress upon the natives to the utmost of my power, feeling assured that I am studying their best interests in so doing, and quite apart from any question of expediency in relation to the mining industry of the country. Left to his own devices the native will not spontaneously improve his condition on legitimate lines. The chief object of the Government therefore is to place the native, through his exertions, on a better footing and the following figures will show how this has been done. At the present time there are 10,000 natives continually at work at the various occupations for which they are required throughout the country. At the very lowest computation, taking an average, each one earns 30s. per month, which means that £15,000 per month or £180,000 per year is paid in native labour wages; the hut tax paid to the Government is £25,000 per year, and this accordingly leaves a balance of £155,000. With this last-mentioned sum the natives have the yearly means of purchasing such property as they may wish, and so bettering their condition by the possession of stock, &c., which they would not have the opportunity of doing were it not for the facility given them of obtaining remunerative employment. The possession of stock is an important factor in producing a contented frame of mind amongst the natives. Rinderpest, it will be remembered entirely denuded the country of cattle, and it is only now, since the natives have been able to earn money that they are gradually accumulating more. Before the occupation of this country, the ownership of cattle by the natives, with few exceptions, was little more than nominal. They were at any time liable to be called upon to hand them over to the king, so that, while having the use of them, yet they were in reality agents, and enjoyed possession merely on sufferance. Now they are naturally desirous to become possessed of what will be their own *bonâ fide* property, knowing that the white Government ensures to them freedom and security as property-holders; as a consequence the Government is continually receiving applications from natives in all parts of the country for stock, and since the war I estimate they have increased their herds by approximately 8,000 head purchased from the Government and other sources.

When specially addressing the Indunas on the subject of labour I frankly admit that I did so in order that they might use their influence to persuade their young men to consult their own welfare by going to work and so in time to possess something better than a roving stake in the country. Had I ignored the Indunas as Government officials it would have belittled them in the eyes of their followers and tended to minimise their authority. In all dealings with the natives they have to be reasoned with as with children; having converted the Indunas to my opinion, I expect them to reason in like manner with their people, and repeat my words and arguments, backed up by their own personal influence. This is the only course open where a scattered population renders mass meetings of the people impracticable. They know and I know how a demand for labour would have been enforced in the king's time, and it was simply to remind them of

the difference in the existing state of affairs and the past that I used the expressions to which exception has been taken. It did not occur to me then nor does it now, that they would misunderstand the allusion as at almost every indaba I distinctly stated that the Government would under no circumstances permit force to be employed, and consequently it would have been inconsistent on my part to have made use of threats. A passing reference to Circular No. 16/99 (Annexure D.) will show that I have been most careful in guarding against compulsion in any shape or form.

I might point out that were the Government to use force it would simply be defeating its own object. Were a boy compelled to work against his will he would take the first opportunity to desert, fail to return to his kraal and become a vagrant, so that in future he could not be counted upon as a labour unit. It is therefore to the obvious advantage both of the Government and the native that he should go to work of his own free will.

The labour collected last year from July to December inclusive was 6,000 boys. This year 4,000 boys have been collected up to date. Of the 10,000 natives actually employed per month in Matabeleland, barely one-third go through the medium of the Labour Bureau, the majority going to seek work on their own account. This growing tendency I attribute to my endeavours to place the matter before them in a correct light, and is the best possible sign of their appreciation of the advantages to be derived from industry.

With respect to legislating for the purpose of indirectly inducing natives to work, I consider it both advisable and necessary to do so, although so many go to seek work on their own initiative, at the same time, there are others of an idle disposition who, if left entirely to themselves would never improve their status.

In conclusion I would desire to indicate that the policy I have always pursued in my attitude as Chief Native Commissioner towards the natives has not been altogether unsuccessful in its results. The natives have been kept well in hand and are rapidly developing into a useful community which when compared with the vagrant horde of three years ago is proof in itself of the interest which the Government has taken in their welfare during that period.

I regret that any of my remarks should have been misunderstood and trust that their bearing and intention are now plain.

HERBERT J. TAYLOR,
Chief Native Commissioner.

Annexure A.

Matabeleland Native Labour Bureau,

SIR, Bulawayo, March 22, 1900.

WITH reference to your letter of the 6th instant, I beg to inform you that the following instructions were given to agents when the Bureau was formed :—

1. To collect and distribute native labour on behalf of the Bureau.
2. To meet as far as possible the wishes of the natives when any preference was expressed for working in a certain mine.
3. If boys from a certain locality were in the habit of going to one place, to continue the practice *e.g.*, Mpateni boys are always sent to Gwanda if possible.
4. To meet in every way the wishes of the Native Commissioners and be guided by his advice where practicable ; further in no way to interfere with the working of the district.
5. To explain to the natives the terms under which they work, *i.e.*, length of service, scale of wages, &c.
6. To report to the head office any genuine complaints brought forward by the natives regarding compounds, treatment or food, &c.

Numerous instructions regarding details of working have been given, but the foregoing may be taken as the general instructions.

I have, &c.,

The Chief Native Commissioner,
Bulawayo.

D. H. MOODIE,
Manager.

Annexure B.

Report on the Health of the Mine Labourers at Selukwe during the two years from March 1898 to March 1900.

Native Commissioner's Office, Selukwe, March 20, 1900.

1. General Health.—From March to July, 1898, though there was more malaria than has ever been known in the district, the mortality among the mine boys was very small, and very few deaths were reported. A large number of boys were being employed at this time, but pneumonia had not assumed a serious aspect. However, this complaint showed signs of being on the increase about July, 1898, and from that time to August, 1899, it was responsible for the majority of deaths among the mine boys. By December, 1898, there had been so many deaths from pneumonia that the district was getting a very bad name, and the natives were so afraid of dying that most of those who developed the symptoms deserted as soon as they became aware of them, and refused to be treated at the mines. In this way a good many died from exposure on the way home, and at their kraals. Deaths from other complaints were very few. The mine managers, though no proper hospitals were erected at this time, tried to keep the sick boys in a separate room, but the boys objected very strongly to this, and those who did not desert in consequence preferred to remain in the compound with their friends.

During the quarter ending December 31st, 1898, forty deaths were reported from the mines, and about 20 boys died on the way to their kraals. More than two-thirds of these cases were due to pneumonia. The complaint seems always to have been more prevalent at the Bonsor and the Tebekwe, and rather more so at the former mine. Of course the fact must be considered that these two mines employ many more than the others in Selukwe.

The Dunraven Mine, though employing on an average about 300 boys, has been very healthy, and is consequently most popular amongst mine boys. From January to March, 1899, the deaths were confined entirely to the Bonsor and Tebekwe mines, viz. :—

—	Dysentery.	Pneumonia.	Total.
Bonsor	2	22	24
Tebekwe	6	13	19
			43

During the quarter ending Jane, 1899, excepting four deaths at the Dunraven, the complaint was confined to the same two mines.

—	Dysentery.	Pneumonia.	Other.	Total.
Bonsor	7	24	1	32
Tebekwe	—	11	1	12
				44

During July, 1899, excepting one death at the Dunraven, all those reported were from the Bonsor, namely, 12 pneumonia and 5 dysentery, 17 in all. There was an improvement at the Tebekwe, where there were no deaths.

In August, 1899, the health of the natives was better still, only two deaths occcurring and those being cases of consumption at the Bonsor.

In September, 1899, no deaths whatever were reported. In October there was a slight relapse, all the deaths being due to pneumonia, viz., Bonsor, 1 ; Dunraven, 2 ; Tebekwe, 4 ; Surprise, 1 ; other mines, 2.

From that time until the present the death rate has been very low, viz. :—

November, 1899	...	...	...	1 death	in	district.
December, 1899	...	...	...	2 deaths	„	„
January, 1900	...	...	...	4 „	„	„
February, 1900	...	...	...	2 „	„	„
March, 1900...	...	...	...	1 death	„	„

Pneumonia at the Bonsor seems to have fallen off since the erection of the new compound which is at the present time the best to be seen in Rhodesia. The old compound, built of stone walls with iron roof, though rather low, did not present the appearance of being unhealthy on inspection, but the sudden drop in the death rate after it was abandoned seems to prove that it was so.

On the other hand the compound at the Tebekwe Mine has not undergone any radical change, and pneumonia seems also almost to have disappeared from there.

The district is gradually getting a better name amongst the natives, and no doubt will again become popular if the death-rate continues as low as it is at present.

2. The number of deaths amongst natives working at the mines during the two years ending 30th March, 1900, is very nearly 200 exclusive of accidental deaths, which were about 40. It has already been pointed out during which period the majority of deaths occurred. The average number of boys employed has been about 1,600 per month.

3. Hospital Accommodation and Medical Attendance.—The Dunraven mine has had a comfortable ward for more than two years, but at the Bonsor the hospital accommodation provided was quite inadequate until about a year ago, when a very suitable building was erected and enclosed with barbed wire to prevent the patients deserting. Besides this hospital another has also been erected at the new Bonsor compound larger than the previous one, which is now used in conjunction with the North Bonsor. I am informed that there is now no difficulty in getting the mine boys to go to these hospitals for treatment, nor do the sick boys desert as they used to do. Owing to the difficulty of getting the boys to go into a separate ward no hospital has yet been erected at the Tebekwe, and the labourers are treated in the compound, those who will consent being placed in a ward of the building.

At the Surprise Mine there is also now a large compound and a suitable hospital building both of wood and iron. At the smaller mines and camps the boys live in the ordinary grass huts, which do not appear to be unhealthy, as deaths are rarely reported.

The Bonsor, Tebekwe, Dunraven, and Surprise Mines, until August, 1899, were all under the supervision of the District Surgeon, who was also mine doctor. Since then there has been a resident medical officer at the Bonsor, though the other mines continue as before. There are compound managers at the larger mines, who also attend to the patients under the directions of the visiting doctor, and who superintend the native attendant in charge of the patients.

There is not much sickness at the smaller mines and camps, and the prospectors attend to their mine boys themselves, occasionally calling in the District Surgeon.

The improved hospital accommodation during the last year has been more or less confined to the Bonsor and Surprise Mines.

W. I. S. Driver,
Native Commissioner.

The Chief Native Commissioner,
Bulawayo.

Annexure C.

Extract from Report of Rhodesia Chamber of Mines, 30th November, 1899.

Report of Sub-Committee of the Native Labour Bureau, at a meeting held at the Offices of the Chamber of Mines on 19th October, 1899.

Tariff of Wages.

The Sub-Committee are of opinion that the following should be substituted in the place of the present classification of native labour :—

"That the wages of able-bodied natives be fixed at the minimum rate of 25s., and a maximum of 60s. per month of 30 working days. Piccanins, 5s. to 15s. per month of 30 working days."

The Sub-Committee are of opinion that the following definition of a month and mode of settlement for the wages accruing will be understood by the natives and be acceptable to them :—

"That in all contracts entered into with natives the latter shall be paid at a rate per day, and that the month's work shall be deemed to be completed, and the native shall be entitled to receive his pay (irrespective of illness or other causes) on the fifth Saturday after his arrival at the mine, and upon each succeeding fifth Saturday.

"Mining companies when entering into sub-contracts bind themselves that their contractor shall accept this tariff.

"Ten per cent. of the natives employed may be paid special rates."

Annexure D.

Circular No. 16/99.

Chief Native Commissioner to District Native Commissioners.

Labour Agents in Native Commissioners' Districts.

The following appointments have been made in connection with the Matabeleland Land Labour Bureau :—

D. H. Moodie, Chief Labour Agent.
W. R. Wilson, Sub Labour Agent.
N. P. Nielsen, ,, ,, ,,
L. Green, ,, ,, ,,

Please assist the Sub-Agent working in your district by introducing him to the Indunas personally as the Government Labour Agent but also explain fully and explicitly that while it is to their interests to work, no native need go to work against his will so long as he pays his taxes and keeps the laws of the country.

G. H. Hepburn,
For Acting Chief Native Commissioner.

June 20, 1899.

(Circular No. 64.)

Chief Native Commissioner's Office, Salisbury, December 2, 1899.

Registration of Labourers.

Owing to the great inconvenience that has existed throughout the country through the desertion of natives from mines and general employers, I consider it advisable that the following instructions should be closely observed :—

Each Native Commissioner shall keep a book which shall be utilised exclusively for the registration and numbering of natives. In this book shall be entered, as natives

are drafted out for labour, the name and full particulars of every able-bodied man in the district. Opposite these particulars shall be written the number of the native, and to each native shall be handed a slip of paper with his registration number and name of district.

In cases where these registered natives are sent into the Labour Bureau, that office shall keep a thorough register of natives passing through on the same system as given above.

Where gangs of natives are supplied to mines, the managers of these mines will receive instructions from the Chamber of Mines to take from the natives their registration numbers, and to issue to them ordinary mine numbers. On the expiration of service, the Native Commissioners' registered numbers will be returned to the natives, and upon their arrival back in their districts these numbers shall be presented to the Native Commissioners, endorsed by the mine managers notifying expiration of service.

In cases of ordinary employers precisely the same course will be adopted, either through the Labour Bureau or directly through the Native Commissioner as the case may be.

This system will simplify the arrest of deserters as it will obviate the many mistakes made in the names of boys when employers report desertions. Under this system every boy who proceeds to work through the office of his District Native Commissioner will have a permanent number.

H. M. TABERER,
Chief Native Commissioner.

(Circular 46.)

Chief Native Commissioner's Office,
Salisbury, November 15, 1898.

SIR,

Native Labour.

I HAVE the honour to request that you will be good enough to warn all chiefs and headmen in your district that natives should not accept service offered to them by agents from another country without entering into a contract before the Native Commissioner of the District, and that you should see that any persons engaging labour are properly accredited by some responsible organisation or Government.

H. M. TABERER,
Chief Native Commissioner.

(Circular 18.)

Chief Native Commissioner's Office,
Salisbury, May 26, 1897.

Under no consideration whatever is any compulsion to be exercised in obtaining natives for labour. When labourers are required in or from your district the natives are to be informed for when and where they are required, the proposed nature of their work, the length of time they are required and the wages they are to receive.

No pains are to be spared to instil into the minds of the natives the advantages they and the country generally derive by working for payment.

When messengers are despatched to seek labourers they are not to be given any powers whatever. They are simply to deliver your message to the natives through the chief or the headmen and return with such of them as are willing to work.

H. M. TABERER,
Chief Native Commissioner.

To all Native Commissioners.

Annexure 14 to British South Africa Company's Minutes of the 4th July, 1900.

(Administration. Native Affairs. No. A. 10.)

Recruiting of Labour and Custom of Lobola.—I enclose for the information of the Board copy of despatch sent by His Honour the Administrator to His Honour the Resident Commissioner on the 25th ultimo with enclosures, giving full particulars as to the methods adopted in Mashonaland and Matabeleland in regard to recruiting labour for mining work and as to the system in vogue regarding the custom of "lobola."

LOBOLA.

M'Roboro or M'lobolo (cattle or other property delivered by or on behalf of an intended husband to the parent or guardian of an intended wife) is a custom apparently common to all Bantu tribes, and is one which should be upheld and legally recognised by Government. In Mashonaland, as among other tribes of South Africa, the birth of a female child to a house or family is hailed with rejoicing, as every girl is considered to be worth so many head of cattle to the house of which she is a member.

As is well known, this custom has at some time or other been abused among all Bantu tribes. The custom became abused when the father of the intended girl ceased to consider the feelings of his daughter, and handed her over whether she liked it or not, to him who could or would pay the largest number of cattle. In this manner was the custom abused by the Zulus and the native tribes in the Cape Colony, tribes which were always well off for cattle.

In Mashonaland, however, where the natives apparently have never been permitted, through the raids of the Matabele and other powerful surrounding tribes, to become rich in cattle or stock, the custom of Ukulobola has been abused in other ways. It appears that men, young and old, were seldom possessed of the requisite number of cattle to hand to a father-in-law at any time a wife may be desired, and fathers of girls were unwilling to hand their daughters over without having received the demanded M'lobola. So it came about that the custom of paying M'lobolo by instalments from the moment a daughter was born to any man became general. A man starting thus early to pay off his M'lobola was generally able to complete delivery by the time the girl in question arrived at a marriageable age. By the time the girl arrives at that age of puberty, however, she has formed her own attachments, has selected her lover probably, and her father has utilised the cattle, which have been delivered on behalf of his daughter during the past fifteen years or so, to procure for himself or a son a wife in the above manner. The result is a family quarrel, usually ending in the committal of some breach of native laws, or of some crime. It must not be thought I am stating what is of rare occurrence. I can positively state that it is most rare to find any small girl who has not, from almost as soon as she can speak, and frequently before she is a month old, been told off as the future wife of some man or other. When therefore the girl arrives at a marriageable age it would indeed be a wonderful coincidence if she happened to centre her affections on her parental choice. The more so as this payment for girls from their infancy is carried out by men of age and frequently by men of advanced age so that when the girl is about fifteen years old, the man who has been delivering cattle for her has done so with the avowed purpose of taking unto himself a youthful partner in his old age. What then is the result? The girl declines to accept the husband chosen for her, and she commits a breach of native etiquette by running away to her lover, from whom she is generally brought back by her father or a deputation sent by him. If her lover happens to possess the necessary number of cattle to enable the father to repay the man who was chosen by him for his daughter and the said man be willing to accept cattle in lieu of the girl whom he now considers his lawful property, matters would be settled fairly smoothly. But this possession of the requisite number of cattle is most rare; it seldom happens that matters do go smoothly.

Since this Department has existed, the natives have fortunately seen fit to refer all claims and disputes to it, instead of to their exacting and partial paramount chiefs, with the happy result that a great deal of crime formerly committed in such cases has almost entirely ceased. Formerly, when matters arrived at the stage at which a girl

ran away to the lover of her own choice, and he possessed no cattle, she would be brought back to her father's kraal, and there either detained or forced to the hut of the man chosen for her. It is unnecessary to relate the dastardly measures to which recourse was frequently had to bring about the consummation of the union chosen by a father for his daughter. But even after the daughter has been forced to accept the man chosen for her, she will take the first opportunity to run away.

It may be sufficient to state that about 95 per cent. of the disputes and claims brought before a Native Commissioner for arbitration arise out of this lobola custom. The natives have of course been taught to realise that if they use force in compelling their daughters to marry against their will they will be punished for it; and although this has to a large extent been the means of doing away with forced marriages, and of almost entirely checking the atrocious acts resorted to, it is still most common for girls to be married to men whom they care nought about, owing to M'lobolo having been paid as stated above. Girls are sent off to husbands selected for them before they become of marriageable age, and consequently very often before their feelings of affection are developed, the moral pressure brought to bear by the father being sufficient to overcome any objections the daughter may offer.

Cattle being scarce and unobtainable in many cases, I have further recognised as an alternative the payment of M'lobolo by cash, and throughout this province the amount fixed as M'lobolo has been from three to four head of cattle, valued at an average of £15 for the total number. This amount has been fixed by myself, but not being legal cannot be insisted upon, so that any avaricious father is still able to demand as many head of cattle as he fancies. The number of cattle should be legally limited, for, unless this be done, a man will never, owing to the avarice of the Mashona, be able to say he has delivered all the cattle required by his father-in-law for his daughter.

Other abuses of the uku-lobola custom existed, some of which are still frequently being secretly resorted to, *e.g.*, the interchange of girls, the replacement of a deceased girl by her sister against the latter's will, the continuance by the heir of the payment of M'lobolo, which a deceased man has not completed, and his subsequent claim to the girl in question. Further, the Mashonas do not, as some tribes in South Africa do, look upon M'lobolo cattle as a trust; they are not in any way held sacred, but are dealt with just as cattle obtained by any other means.

With reference to the various points arising in the custom of uku-lobola, as, *e.g.*, the liability of the father, if his daughter die soon after marriage, or if she prove barren, or wilfully desert her husband after having fully consented to become his wife, &c., the Mashonas (with insignificant peculiarities, generally based on the maxim that might is right) have practically the same ideas as the Zulus and other Bantu tribes, so that, in regard to these points, regulations similar to those laid down in Zululand would be suitable.

The great point to be aimed at in laying down regulations to be observed by the Mashonas in connection with M'lobolo is to provide against the lobola of girls from infancy, and the clause in the Zululand regulations which provides for the official witness to a native marriage ceremony eliciting from the bride her full consent to the union, before he permit the ceremony to proceed, should have the desired effect. I would strongly urge the inclusion of a clause making any cattle delivered as M'lobolo for a girl before she comes of age unrecoverable.

H. M. Taberer,
Chief Native Commissioner.

Report on the Custom of "Lobola" in Southern Rhodesia (Province of Matabeleland).

It would be incorrect on my part to state that there is at the present time any definite system now in vogue regarding the custom of "Lobola" prevailing throughout Matabeleland. The adoption of the custom is a variable quantity owing to the fact that there being no direct legislation on the subject by the Government, the matter is left practically in the hands of the Natives themselves, who observe or disregard it as it suits them or the reverse. The lines of distinction, however, are marked, and for the purposes of this report I shall divide the natives into two classes—those who observe

the custom and those who disregard it, giving the effects of each course of conduct on the people as a whole.

Those who observe the custom.—Notwithstanding the fact that the Matabele have sprung from a race, the Zulu, with whom the "lobola" in marriage has been and is an invariable rule, it is only amongst the Makalanga and other subordinate tribes that its observance at the present day prevails.

The original "lobola" of the Zulus was a payment in cattle for a wife, the payment being made by the prospective husband to the father of the girl. This custom in spite of the disappearance of almost all cattle by rinderpest, is still preserved intact by Makalanga, but they have had perforce to substitute other articles of value in lieu of cattle, and accept any form of *quid pro quo* for their daughters. With these people it is an inflexible rule to "lobola," and for this purpose they use goats, sheep, blankets, beads, armlets, karosses, &c., as current barter for their wives.

With the Matabele there is no uniform system of "lobola," the only apparent recognition of the custom being that the children of the marriage are regarded and claimed as the property of their mother's father. This shows that the idea has not entirely died out, and is an alternative adopted by mutual arrangement as an outcome of the impoverishment of the natives.

The custom of giving infants in marriage and receiving "lobola" for them obtains very largely in certain districts. It has a very pernicious effect on the morals of the natives and should be discouraged by law. In such cases the husband must necessarily be well advanced in years by the time his infant wife has reached the age of puberty, consequently the girl is tempted to and very frequently does elope with a man of her own age and choice. This leads to raids, reprisals, and general dissensions.

Where "lobola" is practised the custom is governed by no specific rates. It is simply a matter for individual negotiations between the suitor and the girl's parents. The value of the "lobola" may be anything ranging from £2 to £20, according to the grade of the contracting parties and the means at the disposal of the suitor to gratify his desire of possession. It will be seen that where the custom of "lobola" obtains it is carried out in various modified forms according to circumstances, but the fundamental principle or idea still remains the same.

Those who do not observe the custom.—Under this heading may be included the larger proportion of the Matabele race. Even before the first war, owing no doubt to the fact that comparatively few natives owned cattle in their own right, and also owing to the circumstance that no other stock or commodity was introduced as a suitable substitute for "lobola" purposes, the old Zulu custom, as far as the Matabele were concerned, broadly speaking, died out; being observed only by cattle owners, who, in turn, first on the outbreak of hostilities and subsequently on the advent of rinderpest and famine, had of necessity to abandon the custom also. This disregard of the custom is to a great extent unaccountable, as those chiefly interested, namely, the parents of the marriageable girls in the country, a great many of whom are in indigent circumstances, would, it is natural to suppose, have done all in their power to maintain "lobola" for the benefits arising therefrom and none of the disadvantages would be theirs. This is the more remarkable when it is considered that the lobola custom is one of the fondest traditions of the Matabele. Moreover no circumstance tends so much to disintegrate and demoralise the nation as a whole as does the non-observance of the custom.

The result of "lobola" having fallen into comparative disuetude is that they have drifted into a state of utter immorality. Where the control of the parents has been undermined by a disregard of the usage the unrestrained intercourse which follows between the sexes results in universal evil. Speaking broadly, I may say that while few Makalanga lead immoral lives, the Matabele—with many exceptions of course—cannot be said to exist otherwise than in a state of prostitution.

The "lobola" exercises a beneficial effect on the natives for the following reasons:—

1. It is the nearest approach to a marriage tie.
2. In giving the husband a legal hold on his wife it in a great measure ensures her

fidelity to him, as should she prove unfaithful, the "lobola" can be demanded back from her parent.

3. The woman is recognised as being of a certain specific value and consequently promiscuous intercourse is to a great extent minimised.

4. By decreasing prostitution the young men have a stronger inducement to work and so place themselves in a position to become husbands. When possessed of a wife through their own exertions they value her more highly and take greater precautions against her going astray.

5. By legalising the "lobola" the rightful claims of a father to his own daughter and the disposal of her as her lawful guardian are considerations which enhance the value of a woman to her parents, and form the basis of a legal contract, the transgression of which can be attended with penalties.

6. It places upon the father and family of the woman a legal obligation to care for and support her should her husband die or should she be separated from him.

7. The "lobola," being a traditional usage, can be readily revived and revised, and will commend itself to all concerned; so much is this the case that I have been constantly approached on this subject by parents who have begged me to re-establish the system amongst them, giving many of the reasons already stated for so doing.

8. The legalised observance of "lobola" in Natal is an unqualified success, and under similar conditions there is no reason to believe that it would not be equally so in this country.

9. If, as some have asserted, "lobola" is an evil because it entails a traffic in women, I must contend that wholesale prostitution is immeasurably worse, at the same time expressing my opinion that the evil alluded to is is purely imaginary and sentimental.

I have always strongly advocated the observance of the system, vide British South Africa Company's Report for 1897 and 1898, and have no hesitation in stating that legislation with this object in view would be most beneficial to the native inhabitants of Matabeleland.

HERBERT J. TAYLOR,
Chief Native Commissioner, Matabeleland.

March, 1900.

No. 7.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received August 20, 1900.)

[*Answered by No.* 8.]

15, St. Swithin's Lane, E.C.,
London, August 18, 1900.

SIR,

I AM directed to inform you that a serious situation has lately arisen in Rhodesia through the scarcity of native labour which has caused the shutting down of several of the most important mines.

With a view to preventing paralysis of the industry upon which the future of the country must primarily depend, the Board, at the request of the Administration and of Mr. Rhodes, has made enquiry as to the feasibility of introducing indentured Asiatic

labour into the country, under conditions carefully regulated so as to ensure the proper care and treatment of the labourers during the terms of their indentures, and their repatriation at its close.

In order to effect these objects, it is found that legislation is necessary. A draft measure of which a copy is transmitted herewith, for your information, has, accordingly been framed upon lines which follow to a great extent the precedents established in British Guiana, Jamaica, and other British colonies.

The draft has been forwarded to Rhodesia for such revision as local circumstances may require, and it has been left to the Administrator and Executive Council to advise as to the manner in which it shall be submitted for the approval of His Excellency the High Commissioner. I am, however, to say that in view of the urgent demand that already exists for labour, an immediate request will in all probability be made to His Excellency to act in the matter by Proclamation.

I am, &c.,
J. F. JONES,
Secretary.

Enclosure in No. 7.

ORDINANCE No. of 1900.

THE IMMIGRATION ORDINANCE, 1900.

WHEREAS it is expedient to make provision for the regulation of immigration and the protection of immigrants.

Now it is hereby ordained by the Administrator by and with the advice and consent of the Legislative Council as follows :—

PRELIMINARY.

1. This Ordinance may be cited as "the Immigration Ordinance, 1900."
2. This Ordinance shall come into operation on the day of 190 .
3. This Ordinance applies to Southern Rhodesia.
4. In this Ordinance unless the context otherwise requires—
   (i.) "Rules" means any rules made under this Ordinance.
   (ii.) "Inspector" includes any inspector of immigrants acting in the district or in the performance of any duty assigned to him under the provisions of this Ordinance or under any rules.
   (iii.) "Medical Officer" includes any medical officer acting in relation to any works, hospital or duty to which his attendance is appointed under this Ordinance or under any rules.
   (iv.) "Works" means any mine or public or other works (including the construction of any railway) approved of by the Administrator.
   (v.) "Mine" includes any place either on or below the surface of the ground where any operation of mining or in connection with a mining purpose is carried on and "Mining Purpose" means the purpose of obtaining or extracting any metal or mineral by any mode or method and includes the purpose of exercising any right lawfully acquired in connection with mining.
   (vi.) "Employer" includes the person or persons for the time being having the personal charge of or chief authority upon any works at which immigrants are or are proposed to be employed whether such person be proprietor, lessee, attorney, manager, overseer, or other employée at such works.

(vii.) "Immigrant" includes any person introduced into Southern Rhodesia under this Ordinance who has not completed his term of service under indenture.

(viii.) "Persons" includes corporation.

5. The Administrator may by and with the advice and consent of the Legislative Council by Proclamation name the countries in Asia (except India and any colony or dependency of the United Kingdom of Great Britain and Ireland) from which immigration to Southern Rhodesia is permitted under this Ordinance. Immigrants shall not be introduced from any country not so proclaimed.

THE IMMIGRATION DEPARTMENT.

6. The Administrator may appoint a Protector of Immigrants (hereinafter called "the Protector") who shall be head of the Immigration Department and may remove the Protector. Subject to the control and direction of the Administrator the Protector shall have authority over all persons employed in the immigration service of Southern Rhodesia or in the execution of this Ordinance or any rules and shall have the general management and superintendence and direction of the Immigration Department and of the officers thereof and shall perform such duties in relation to immigration as may be entrusted to him by or under this Ordinance and shall have all the powers of an inspector of immigrants under this Ordinance.

7. The Administrator may from time to time appoint and remove such inspectors of immigrants medical officers clerks and other officers as may be necessary for the performance of the duties of the Immigration Department and may from time to time assign the districts within which they shall respectively act.

8. The Protector and the inspectors medical officers clerks and other officers shall be paid such salaries and allowances as the Administrator shall authorize.

IMMIGRATION CONTRACTORS.

9. No person other than a person licensed in that behalf by the Administrator (the granting and refusal of the license being in the uncontrollable discretion of the Administrator) may introduce any immigrant into Southern Rhodesia. A person so licensed is hereinafter called a "Contractor." The license of a Contractor shall bear a stamp of the value of £ which shall be paid before the issue of the license. Every Contractor shall give to the Administrator such security and in such form as the Administrator may require for the due performance and observance by such Contractor of the provisions of this Ordinance and any rules and of all Contracts entered into by him with immigrants under the next following clause hereof. No Contractor shall be an employer of immigrants.

10. A Contractor proposing to introduce any immigrant into Southern Rhodesia shall enter into a written contract with every immigrant he proposes to introduce. By every such Contract it shall be provided (i.) that the Contractor shall deduct from the wages of the immigrant with whom it is entered into a proportion thereof not exceeding the proportion fixed by the Protector and shall pay such proportion monthly to the Protector and (ii.) the immigrant shall agree to leave Southern Rhodesia immediately his term of service has expired.

11. Every Contractor shall transmit to the Protector a return shewing (i.) the age and previous occupation as near as the same can be ascertained of every immigrant he proposes to introduce into Southern Rhodesia (ii.) a copy of the contract entered into with him (iii.) the name and works of the employer for whom he proposes to introduce such immigrant and (iv.) such other particulars as the Protector from time to time directs and shall transmit with such return an abstract of the certificate of some medical officer as to the soundness of constitution and fitness for labour of each such immigrant.

12. No person shall introduce as an immigrant any female or any person who is under the age of 16 years.

RULES.

13. The Protector may with the approval of the Administrator from time to time make and when made alter and revoke rules.

(i.) For the government of the Immigration Department and of all persons engaged in carrying out the provisions of this Ordinance or any rules.

(ii.) Fixing the proportion of wages which may be deducted as mentioned in Clause 10 hereof the minimum daily wage of immigrants and the minimum payment for task work.

(iii.) For the housing clothing rations and feeding of immigrants and all matters connected therewith or relating thereto respectively.

(iv.) For the medical inspection sending to and reception in hospital of immigrants and generally for all matters relating to the health of immigrants.

(v.) For preventing breaches of the peace or disorderly conduct in the celebration of religious rights and festivals by immigrants.

(vi.) For enforcing the performance and observance of such rules by penalties fixed by the Protector with such approval as aforesaid and not exceeding £ and imprisonment for days in the case of breaches by immigrants and £ and imprisonment for days in the case of breaches by any other persons.

FISCAL PROVISIONS.

14. For the purposes of this Ordinance there shall be a fund called the Immigration Fund which shall be administered by the Administrator.

15. The immigration fund shall be credited with all sums received on account of licenses indenture fees stamps and penalties payable under this Ordinance or under any rule on account of any vote in aid of immigration for the time being made and on account of moneys received in respect of deductions from the wages of an immigrant as mentioned in Clause 10 hereof and on account of all other matters and shall be debited with the whole annual cost of immigration under this Ordinance. The moneys received in respect of such deductions as aforesaid shall be carried to the account of the immigrant from whose wages they were deducted and shall carry compound interest at the rate of per cent. per annum calculated yearly.

16. The Indenture fee payable by an employer to the immigration fund in respect of each immigrant allotted to him shall be such sum as may be from time to time fixed by the Administrator.

17. The Indenture fee payable in respect of any immigrant shall be a security for the payment by the person liable to pay the same of the return passage of such immigrant to the country from which he came and for the payment of all others moneys payable by the employer of such immigrant on account or in respect of any immigrants contracted to be supplied to or employed by him.

18. Unless the Administrator specially requires the Indenture fees on any allotment to be paid in cash payment thereof shall be made in the following manner:—One-tenth shall be paid in cash forthwith and for the balance five promissory notes shall be given to the Administrator bearing date the day of the arrival of the immigrant in Southern Rhodesia the first for one-tenth of such Indenture fees payable with interest at the rate of per cent. per annum at the end of one year from the date thereof and the remaining notes shall for one-fifth thereof payable respectively with interest at the same rate at the end of each of the four years then next following. Provided that if the employer refuses or neglects to pay within six days after his account has been rendered to him by the Protector either wholly in cash or partly in cash and partly in promissory notes as provided by this Ordinance the amount of Indenture fees payable in respect of such allotment the whole shall thereupon fall due and become payable in cash.

19. The Administrator shall in respect of all promissory notes payable and sums of money due to the immigration fund on account of any immigrants indentured on any works have and hold for the same on behalf of the British South Africa Company a

preferent lien on such works over and above all other liens claims charges and mortgages whatsoever except liens and preferent rights of the British South Africa Company and such as may have been allowed or created by any Ordinance.

20. If any works in respect whereof promissory notes have been given by an employer under this Ordinance are sold or devolve by inheritance devise or otherwise howsoever the preferent lien of the Administrator upon such works for the amount of all such promissory notes with interest shall subsist and continue notwithstanding such sale or devolution.

21. Immediately upon any such sale the purchaser shall be bound to make out and deliver to the Administrator on behalf of the British South Africa Company in lieu of such promissory note which may be outstanding a new promissory note payable at the same date as such outstanding note with interest thereon as from the day of sale. If any such purchaser refuses or neglects on demand made by the Administrator to make out and deliver as aforesaid any such new promissory note the whole of such outstanding promissory notes shall immediately fall due and become payable in cash. The provisions of this present clause shall apply with the necessary modifications to the sale of any portion of any works.

22. In any proceeding taken for the recovery of the amount of any promissory note payable or of any sum of money due to the immigration fund in respect of any immigrant allotted to or indentured on any works it shall not be necessary to show that the person who signed such promissory note on the allotment to him of such immigrant or to whom such immigrant was duly allotted or indentured was the employer or other person entitled under this Ordinance to have such immigrant allotted or indentured to him in respect of the works from which such amount or sum is sought to be recovered but it shall be sufficient to show that such immigrant was duly allotted or indentured as the case may be to perform service on such works.

23. All sums of money which may be received in respect of immigrants by the Administrator to which any employer is entitled by whom any outstanding promissory notes may have been given under this Ordinance shall be applied in the first place to the payment of such promissory notes whether they have at the time become due and payable or not and in the order in which they may fall due and any interest which may have accrued shall be paid before the principal and the balance of such sums shall be paid in cash to the employer entitled to the same.

24. The Administrator shall on behalf of the British South Africa Company sue for and recover by summary execution against any works all promissory notes which may at any time be payable and all sums of money which may at any time be due to the Immigration Fund in respect of such works.

APPLICATION FOR IMMIGRANTS.

25. Any employer licensed in that behalf by the Administrator (the granting and refusal of the licence being in the uncontrollable discretion of the Administrator) to employ immigrants who desires to obtain an allotment of immigrants may contract with a contractor for the supply of the number of immigrants he may want and any contractor may contract with an employer so authorised but with no other person for such supply. Every such contract shall bear a stamp of £ in respect of every immigrant contracted to be supplied.

26. Every employer and contractor who has entered into any such contract shall forthwith send to the Protector a copy thereof together with full particulars of the number and ages of immigrants of each nationality required and the name and situation of the works at which the immigrants are to be employed and the name of the proprietor of the works and shall produce the contract to the Protector duly stamped. The Protector shall register every such contract and all such particulars in the Register of Contracts for Immigrants.

27. No contract shall be rendered invalid or be in any way affected by reason of the death insolvency or absence of the employer by whom such contract was made or by reason of the sale of the works in respect of which such Contract was made and no contract of which a copy has been sent to the Protector may be withdrawn without the permission of the Protector.

28. The Protector may refuse to allow any contract for the supply of immigrants to be carried out in case he sees reasonable grounds for such refusal.

29. The employer shall take over the contracts made by the Contractor with the immigrants supplied to him and shall perform and observe the provisions thereof so far as they were to be performed or observed by the Contractor.

ALLOTMENT OF IMMIGRANTS.

30. The Protector shall sanction the allotment of immigrants in accordance with the registered contracts except such contracts as he shall not allow to be carried out.

31. In the allotment of immigrants so far as may be possible members of the same family and neighbours from the same village and persons who may agree in representing themselves to be friends and associates shall not be separated from each other.

INDENTURES OF IMMIGRANTS.

32. On the completion of every allotment of immigrants on introduction the Protector shall deliver to the employer or his representatives an indenture and list in a form in the schedule to this Ordinance a duplicate whereof shall be signed and delivered to the Protector by the employer or his representatives and the employer and immigrant shall thereupon be bound by such indenture and every such indenture and list and every extract from such register signed by a Protector shall be receivable in evidence of any indenture or allotment therein specified without further proof.

33. The Protector shall keep a General Register of Immigrants and shall insert therein the names of all immigrants arriving in Southern Rhodesia and shall number each immigrant by a particular number proceeding by regular numerical progression and shall distinguish therein under different heads the number name age and country of every immigrant and the time when and the place from which such immigrant has arrived and the cost of the passage of such immigrant and the name of the contractor by whom and of the employer or other person at whose expense such immigrant has been introduced and of the employer to whom he may be indentured on his arrival.

34. The indentures of immigrants shall be for the term of five years from the date of allotment unless otherwise specially or generally directed by the Administrator.

35. When any estate is sold or is leased or devolves by inheritance devise or otherwise the indentured immigrants thereon (unless transferred to some other works with the consent of the immigrant) shall render the same service to the purchaser lessee devisee heir or other new employer his heirs executors administrators or assigns and for the same term as they would have been bound to render to their original employer. For the purpose of deciding any disputes as to title any person who is actually in possession of the works shall be deemed to be entitled to the services of the immigrants.

TRANSFER OF IMMIGRANTS.

36. If at any time it appears to the Protector that any immigrant indentured on any works should be removed therefrom he may at his discretion cancel his indenture and re-indenture him for the remainder of his term of service to some other employer licensed by the Protector to employ immigrants for the remainder of his term of service. Such other employer shall pay therefor in cash or by promissory notes as the Protector requires.

37. Such transfer of any immigrants shall not cancel the obligation of the employer from whom they are removed but he shall be entitled to a reduction proportioned to the numbers removed and their unexpired terms of service which reduction shall be written off the unpaid promissory notes and shall be paid by the new employer.

38. The Protector may in his discretion relieve any works or the employer of any indentured immigrant from the care of an immigrant incapable of service from permanent infirmity or sickness and may direct that a certificate of exemption from further service be granted to such immigrant and that he be received into and retained in any hospital or in any general depôt that may be established at the charge of the Immigration Fund until an opportunity offers to send him back to the place from which he came. Such relief shall only be granted at the request of the employer of the immigrant and

shall not affect any liability in respect of any promissory notes given wholly or in part for the cost of such immigrant.

LABOUR LAW.

39. Every employer shall be bound to give work to every immigrant for six days in every week except authorised holidays and days when work is impossible by reason of very bad weather or other cause and if any immigrant being willing and able to work has no work given him to do on any working day then he shall be entitled to his full day's wages for every day so lost to him. Provided that by mutual consent one or more days leave may be given and taken without wages.

40. Every immigrant in the absence of any express agreement to the contrary and except in case of illness or of such bad weather or other cause as prevents work or of other good cause beyond his control shall be bound to work upon or in the service of the works mentioned in his Indenture or otherwise for the service of his employer for nine hours of each day except on Sunday Good Friday New Year's Day and Christmas Day and such other days to be observed as festivals according to the national custom of the class of immigrants to which such immigrant is registered as belonging as the Administrator from time to time sanctions and appoints.

41. Every immigrant shall be paid by day wages at the rate for each working day not less than that fixed by rule made under this Ordinance and shall be bound to do every working day a fair day's work of nine hours a day having regard to his strength.

42. Any immigrant instead of working for day's wages may if desired both by himself and his employer do task work at not less than the minimum rate of payment fixed by rule made under this Ordinance. Any immigrant may make any bargain he pleases with his employer for working at any time extra hours by night or otherwise.

43. All wages duly earned by an indentured immigrant shall less the deductions mentioned in clause 10 hereof be paid in money weekly without any deduction except for the cost of rations and any postponement of payment and any payment of wages in kind shall be taken as an unlawful withholding of wages and no employer supplying goods on credit to any of his indentured immigrants shall be entitled to stop the price thereof out of any wages which may be due or thereafter earned by such immigrant.

44. Every employer of immigrants under indenture shall provide and keep on each works in which he employs such immigrants a book to be called the "Pay Book" shewing the daily earnings of such immigrants. The Pay Book shall be in such form as the Protector may require.

RETURN PASSAGES.

45. Every immigrant who has completed his term of service or been relieved shall forthwith leave Southern Rhodesia and go to the place from which he originally came and the employer who originally employed him shall be responsible for his doing so.

46. The Protector shall at the expense of the employer who originally employed him provide for every immigrant a free return passage to the place from which he originally came.

47. If any immigrant who has completed his term of service or been relieved shall not forthwith leave Southern Rhodesia the Protector may cause him to be arrested and detained in prison and as soon as possible removed from Southern Rhodesia and the moneys to his account under clause 15 hereof may be forfeited to the British South Africa Company by the Protector in his uncontrollable discretion.

VACCINATION.

48. On the location of any immigrants upon any works the medical officer shall vaccinate all immigrants who in his opinion have not been vaccinated or may in his opinion need such protection.

49. The medical officer shall from time to time vaccinate all infants of immigrants before they attain the age of 12 months.

RATIONS.

50. All rations to be supplied by an employer under any rules shall be supplied by the employer and no order for goods on any shopkeeper or any other person shall be given instead of such rations or of any part thereof and no rations supplied otherwise than was hereby provided shall be allowed in the employer's account as a charge against an indentured immigrant.

51. Rations duly supplied according to this Ordinance or any rules to an immigrant may be charged for by the employer against such immigrant at the usual cost price of the articles supplied at the place where the immigrant is employed and the Protector from time to time may fix and by notice in the "Gazette" may declare for this purpose the cost price of such rations in all or any of the places where immigrants are employed.

INSPECTION OF ESTATES AND HOSPITALS.

52. A medical officer shall inspect all immigrants brought into Southern Rhodesia under this Ordinance immediately on their arrival in the country and shall set aside such of them as from their state of health appear to him to be unfit to be indentured and the immigrants so set aside shall be provided for until they are fit to be indentured or can be sent back to their own country and the expense of inspecting maintaining and treating such immigrants and if necessary sending them back to their own country shall be paid by the contractor introducing them.

53. The Protector or an inspector or a medical officer may at any time enter upon any works upon which immigrants are indentured and inspect the condition of their dwellings and may require a muster of the immigrants on the works and the Protector or an inspector may also examine the books in which earnings of the immigrants are entered and all other books and registers relating to immigration matters on the works and may inquire into any complaint having reference to immigration matters.

54. The Protector or an inspector shall visit every hospital in which immigrants may be treated and may at any time enter therein and inspect the condition and general treatment of immigrants therein and may inquire into all matters touching any immigrants therein or any immigrants refused admission thereto and shall report to the Administrator respecting any neglect coming under the notice of such Protector or inspector and generally as to the treatment of any immigrants in such hospitals.

55. An inspector for the purpose of any inquiry under this Ordinance or any rule made under this Ordinance may require and take evidence on oath.

56. There shall be provided by the employers and kept upon every works on which immigrants are indentured and there shall be kept in every hospital in which immigrants may be treated a book to be called the "Official Visitors Book" which book shall be always accessible to the Protector and the inspector and the medical officer.

57. The Protector the inspector and the medical officer respectively shall on each official visit that any one of them makes to any works or hospital make an entry thereof in the Official Visitors Book and shall add any remarks or directions with respect to the treatment of the immigrants that may appear necessary.

PROTECTION OF IMMIGRANT AND HIS PROPERTY.

58. When an immigrant makes a complaint to an inspector against his employer or any attorney agent or servant of his employer for non-payment of wages or for any injury or damage alleged to have been caused to such immigrant by the person complained of the Protector may if he thinks fit with the consent of the immigrant on behalf and for the benefit of the immigrants enter a plaint in a magistrate's court and prosecute the same and incur reasonable expenses thereabout at the risk and cost of the employer.

59. Every information or complaint laid by any immigrant under this Ordinance or under any rule shall be free of stamp duty.

60. Every employer having immigrants shall at the end of every calendar month furnish to the Protector a return in such form as may be prescribed by the Protector with the sanction of the Administrator shewing the name of every immigrant on the works and the wages earned during each week in the said month by each such immigrant. Every such return shall be declared by the employer.

61. An inspector shall collect and take possession of all property and assets of any immigrant who dies in his district and for that purpose shall apply for and obtain letters of administration to his estate if it does not amount to £50 and with the sanction of the Protector pay the balance after payment of any debts and personal and testamentary expenses to his legatees in accordance with his will if any and if not then to his next of kin if any in Southern Rhodesia entitled to the same. Such next of kin shall not include any relations of the deceased immigrants except his widow brothers sisters and lineal ancestors and descendants.

62. When any inspector shall have administered the estate of any deceased immigrant and there shall be at the close of the administration a balance after payment of his debts and funeral and testamentary expenses if any and after observing the provisions of his will if any and there shall be a surplus and be no next of kin as aforesaid of the deceased in Southern Rhodesia entitled to the same the Protector may at any time after the expiration of three calendar months from the death of such immigrant order the inspector to pay the balance to the British South Africa Company to the credit of the estate of the deceased immigrant.

63. When any immigrant shall die intestate without leaving a widow brother sister or any lineal ancestor or descendant within Southern Rhodesia and leaving property within Southern Rhodesia not amounting in value to £50 the inspector shall be entitled to apply for and obtain Letters of Administration to the estate of such immigrant.

64. All moneys received by the British South Africa Company under clause 62 of this Ordinance shall after deducting all proper expenses including the costs of transmission be remitted to such court or other proper authority having jurisdiction to distribute the same among the persons entitled as may in such case be approved by the administrator.

DESERTION.

65. Every employer shall provide and keep for each of his works a Register of Desertions and Leave of Absence and shall enter therein every desertion from the works with the date on which the immigrant deserting was last seen at the works and a note of every pass granted by him to an immigrant with the date and period of such pass. The Register shall be in such form as may be required by the Protector and shall be accessible at all times to the Protector or an inspector.

66. Every employer shall within 48 hours from the time when it comes to his knowledge that an immigrant has deserted from his works report the desertion at the nearest Police Station. In such report the distinguishing number name and description of the immigrant with the date of his Indenture and every other information likely to facilitate his apprehension shall be stated.

67. An employer or any of his servants or any inspector or any constable may without a warrant stop an immigrant who at any time (except Sundays or the holidays or festivals mentioned in this Ordinance) is found during the ordinary hours of work at any distance of more than two miles from the works in respect of which his services may be due and if any immigrant so found fails to produce upon being required to do so a certificate of exemption or of service or a written ticket of leave signed by his employer may take him back or if he refuses to disclose the name of the works take him forthwith before an inspector or a magistrate who shall forthwith enquire into the case and unless he is satisfied that the immigrant has completed such service or obtained such exemption as aforesaid or that he is absent from the works in respect of which his services shall be due with the leave of his employer shall make an order for his immediate committal as a deserter to the nearest prison with or without hard labour for a term not exceeding thirty days.

68. No person shall receive into his employment any indentured immigrant not indentured to him by the Protector.

69. Every person not so entitled who harbours or employs any indentured immigrant shall in addition to any fine to be imposed upon him pay to the employer entitled to the services of the immigrant four shillings for every day during which he has so employed or harboured the immigrant which payment shall be enforceable in the same way as payment of any sum for which an order of payment is made by a magistrate.

70. Where an immigrant has been employed or harboured upon an estate contrary to the provisions of the two preceding clauses of this Ordinance the person having the personal charge and superintendence of the works shall be deemed to be a person employing or harbouring the immigrant.

71. If any employer states upon oath before any magistrate that he has reasonable cause to suspect that any immigrant is harboured or employed on the premises of any person the magistrate may grant a warrant to search for such immigrant and bring him and the person by whom he may be harboured concealed or employed before him to be dealt with as provided by this Ordinance.

CRIMES AND OFFENCES, ETC.

72. The following persons shall be guilty of offences against this Ordinance and shall be liable on summary conviction to both or either the penalties herein specified in respect of such offences :—

(i.) Every employer who wilfully and intentionally furnishes and declares a return under clause 60 which is false :—Penalties—Fine not exceeding £50 imprisonment not exceeding days.

(ii.) Every employer who fails to provide a Register of Desertions as required by clause 65 of this Ordinance or keep it correctly entered up :—Penalties—Fine not exceeding £5 imprisonment not exceeding days.

(iii.) Every employer who shall fail to report the desertion of an immigrant or otherwise to comply with the provisions of clause 66 of this Ordinance : —Penalties—Fine not exceeding £5 imprisonment not exceeding days.

(iv.) Every employer who unlawfully withholds any wages or portion of wages earned by an indentured immigrant :—Penalties—Fine not exceeding £5 imprisonment not exceeding days.

(v.) Every employer who assaults or in any way illuses any immigrant :— Penalties—Fine not exceeding £10 imprisonment not exceeding days.

(vi.) Every immigrant who falsely or fraudulently pretends that he has completed his term of service or who uses gives or lends any certificate or passport or who wilfully counterfeits or alters any certificate or passport or who uses or attempts to use any pass signed by his employer not being the immigrant to whom such certificate or pass was granted :—Penalties— Fine not exceeding £2 imprisonment not exceeding days.

(vii.) Every immigrant who attempts to quit Southern Rhodesia without a passport :—Penalties—Fine not exceading £10 imprisonment not exceeding days.

(viii.) Every immigrant who refuses or neglects to appear at any time when required before any inspector or medical officer or who resists any lawful order for his conveyance to hospital or production before the medical officer : —Penalties—Fine not exceeding £1 imprisonment not exceeding days.

(ix.) Every immigrant who keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health or who refuses or neglects for 48 hours after being requested to remove any nuisance or substance injurious to health from his dwelling or to remove any such nuisance or substance which he may have caused or placed in the immediate proximity of any other dwelling :—Penalties—Fine not exceeding 10s. imprisonment not exceeding days.

(x.) Every immigrant rationed under this Ordinance who sells or barters any ration or part of a ration furnished under this law Ordinance or any rule :—Penalties—Fine not exceeding £1 imprisonment not exceeding days.

(xi.) Every person who takes by way of purchase or barter from any immigrant rationed under this Ordinance any such ration or part of a ration :— Penalties—Fine not exceeding £5 imprisonment not exceeding days.

(xii.) Every immigrant who is drunk or conducts himself in an idle or disorderly manner or assaults his employer or any other person on the estate or makes use of threatening or abusive language or by negligence or carelessness or other improper conduct damages or destroys or causes to be damaged or destroyed any property of his employer or through carelessness or negligence suffers the same to be damaged or destroyed or persuades or attempts to persuade any other immigrant unlawfully to refuse absent himself from or desist from work :—Penalties—Fine not exceeding £5 imprisonment not exceeding days.

(xiii.) Every indentured immigrant who is unlawfully absent from work or guilty of wilful indolence during working hours or without lawful cause refuses to begin or finish any particular work assigned to him :—Penalties—Fine not exceeding £3 imprisonment not exceeding days.

(xiv.) Every indentured immigrant who deserts his work on first conviction :— Penalties—Fine not exceeding £2 imprisonment not exceeding days and on a second or subsequent conviction :—Penalties—Fine not exceeding £5 imprisonment not exceeding days.

(xv.) Every immigrant who on being brought before an inspector or to any police station refuses to give his name and any other information that may be required by such inspector or by the officer in charge of such police station for purposes of identification :—Penalties—Fine not exceeding £1 imprisonment not exceeding days.

(xvi.) Every person not being entitled to the services of an indentured immigrant who harbours or employs any such immigrant or who inveigles or entices any such immigrant to quit or desert from his legal service :—Penalties —Fine not exceeding £5 imprisonment not exceeding days.

(xvii.) Every person who by any act or ommission obstructs molests hinders or opposes any officer of the Immigration Department in the due execution of his duty or in the exercise of any of the powers or authorities conferred on him by or under this Ordinance or any rule :—Penalties— Fine not exceeding £10 imprisonment not exceeding days.

(xviii.) Every person who receives or harbours an immigrant who has not obtained a passport with intent to carry such immigrant out of Southern Rhodesia :—Penalties in respect of each immigrant—Fine not exceeding £10 imprisonment not exceeding days.

(xix.) Every immigrant for whose profit a provision shop is kept wholly or in part :—Penalties—Fine not exceeding £5 imprisonment not exceeding days.

The foregoing penalties shall be independent of any other punishment to which the offender may be liable.

73. The Protector may in any case in which an immigrant is fined authorise his employer to pay the fine and (subject to any deductions which may be made as mentioned in Clause 10 hereof) to deduct the same from the immigrant's wages.

74. All offences against this Ordinance or any rule shall be tried and disposed of by the magistrate of the district in which the offence occurs.

75. Every magistrate shall transmit to the Protector a monthly statement of all complaints brought before him under this Ordinance or any rules with the names of the complainants and accused and the distinguishing numbers of the immigrant and in each case the offence charged and what has been his decision and what sentence if any was passed and what penalties if any had been paid into the Immigration Fund and in cases of complaints not disposed of why they were not disposed of.

76. Whenever any immigrant is sentenced to imprisonment for any crime or offence the clerk of the court awarding the sentence must within one calendar month of the date

thereof forward to the Protector a return setting forth as near as may be the distinguishing number and name of the immigrant the name of the works on which he is indentured the offence of which he has been convicted and the term of imprisonment to which he has been sentenced.

MISCELLANEOUS.

77. No mining trading spirit or other license whatsoever shall be granted to any immigrant.

78. Every indenture contract document or other proceeding or any copy thereof or any extract from the register directed to be kept by the Protector or an employer certified by or purporting to bear the signature of the Protector or an inspector or any employer shall be received as *primâ facie* evidence of the original and of the truth of the contents thereof without further proof.

SCHEDULE.

NOMINAL ROLL

Immigrants from introduced
by Contractor and indentured
to as labourers on
works in the district of

Distinguishing Marks.	Contractor's Name and Year of Arrival.	NAMES.	Age.

RHODESIA.

THIS INDENTURE WITNESSETH that from this day of 19 the immigrants scheduled above have been duly indentured by the Protector to A. B. for owner on works for five years subject in all respects to the Immigration Ordinance 1900.

AS WITNESS our hands and seals.

No. 8.

COLONIAL OFFICE to the BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, September 28, 1900.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 18th August,* enclosing a copy of the draft of an Ordinance to provide for the introduction of Asiatic labour into Southern Rhodesia, and stating that an immediate request will in all probability be made to the High Commissioner to act in the matter by Proclamation.

2. I am to request you to inform the Directors of the British South Africa Company that Mr. Chamberlain is consulting Sir A. Milner on the subject, but that the matter is one which will require the most careful consideration, and in any case does not appear to be one on which it would be desirable that the High Commissioner should be called upon to legislate by proclamation.

I am, &c.,
M. F. OMMANNEY.

No. 9.

COLONIAL OFFICE to the BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, November 23, 1900.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 12th July last,† enclosing copies of reports as to the action of the Administration of Southern Rhodesia in connection with the supply of native labour.

2. I am to request you to inform the Directors of the British South Africa Company that the Secretary of State is awaiting a report from the Resident Commissioner before replying to this letter.

3. With regard to Mr. Milton's statement that the Administration propose to proceed with legislation imposing a labour tax, when the condition of the country becomes normal, I am to inform you that, as stated in the letter from this office of the 12th of July,‡ the Secretary of State would desire to consider the proposals of the Administration before they are submitted to the Legislative Council of Southern Rhodesia.

I am, &c.,
H. BERTRAM COX.

No. 10.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received December 1, 1900.)

SIR, 15, St. Swithin's Lane, London, E.C., November 29, 1900.

I AM directed to inform you that the following cable message, dated Salisbury, the 28th instant, has been received from the Administrator :—

> " After consultation with C. J. Rhodes, I have sent Alex. Tulloch and Kusel to endeavour to obtain labour from Abyssinia. Tulloch cables from Aden that Authorities there request notification from Colonial Office that labourers are for Rhodesia. You should arrange that notification should be sent by cable."

For the information of the Secretary of State, I am to state that my Directors had already been advised, by mail, that Mr. Kusel, who has been for some years working as a Labour Agent in Somaliland, Djiboutl, and the adjacent parts of Arabia and the mainland, had been despatched to Abyssinia to endeavour to obtain labour. Mr. Kusel is

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* No. 7. † No. 6. ‡ No. 5.

stated to be well vouched for, and the Administration are satisfied that his credentials are good. He is accompanied by Mr. Tulloch, a well-known resident of Rhodesia, in whom the Administration have implicit confidence.

As the matter is one of urgency, I am to ask that the Secretary of State will, as requested in the above message, be so good as to cause immediate notification to be made to the Authorities at Aden that the labourers whom it is proposed to recruit from Abyssinia are intended for Rhodesia.

I am, &c.,
J. F. JONES,
Secretary.

No. 11.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.37 p.m., December 5, 1900.)

TELEGRAM.

[*Answered by No.* 12.]

Extract.

December 5. No. 3. British South Africa Company state that Administrator Southern Rhodesia has sent Tulloch and Kusel to obtain labour from Abyssinia, and that Tulloch cables from Aden that authorities there request notification from Colonial Office that labourers are for Rhodesia. Has Resident Commissioner reported on this subject ?

No. 12.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.16 p.m., December 14, 1900.)

TELEGRAM.

December 14. No. 706. Referring to your telegram of 5th December, No. 3.* Resident Commissioner sees no objection. I concur.

No. 13.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 10, 1901.)

[*Answered by No.* 23.]

SIR, High Commissioner's Office, Johannesburg, April 19, 1901.

I HAVE the honour to transmit to you copies of two reports received last year from
Resident Commissioner, 12/3/00. the Resident Commissioner, Salisbury, on the constitution
" " 4/4/00. and working of the labour bureaux in Southern Rhodesia.
There are a number of printed enclosures to the Resident Commissioner's despatch of the 12th of March, 1900, which I have not forwarded as there is only a single copy here. I am endeavouring to obtain duplicates.†

I am asking the Resident Commissioner whether he has anything to add to his observations on the subject.

I have, &c.,
A. MILNER,
High Commissioner.

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* No. 11.

† Since received and printed herewith.

Enclosure in No. 13.

Resident Commissioner's Office, Salisbury,
12th March, 1900.

SIR,

IN compliance with directions contained in your Excellency's despatch No. 29 (a) dated 10th October, 1899, a copy of which I received last mail, I have the honour to submit copies of the "Schemes for Working Labour Bureaux" as adopted in Salisbury and Bulawayo respectively; the Salisbury Bureau was inaugurated in April, 1898, the Bulawayo in May, 1899.

The Rhodesia Chamber of Mines (Bulawayo) is dissatisfied with the working of its Labour Bureau during the past ten months, and under its auspices was registered a company styled the "Rhodesia Native Supply Association," in which the Mashonaland Mining Companies were invited to join.

The Salisbury Chamber of Mines has refused its consent and submitted counter proposals of its own.

I send herewith a copy of the Memorandum and Articles of Association of the Rhodesia Native Labour Supply Association, Limited, and newspaper reports of the discussion raised in connection with it in both Chambers of Mines. No agreement has as yet been arrived at.

In the Salisbury Bureau you will observe the Chief Native Commissioner is *ex-officio* member. He is the only representative of the Government.

In the Bulawayo Labour Bureau the B.S.A. Company have three representative members. Those selected were the Chief Native Commissioner, Mining Commissioner Sir F. Frankland, and Native Commissioner M. Jackson. Native Commissioner Moodie was given twelve months' leave of absence from the 1st May, 1899, to enable him to act as Chief Labour Agent.

I have, &c.,
M. CLARKE,
Resident Commissioner.

To H.H. The ACTING ADMINISTRATOR, Salisbury.

Re THE FORMATION OF A NATIVE LABOUR BUREAU.

Chamber of Mines,
Salisbury, 31st March, 1898.

SIR,

MY Chamber have now the honour to place before you a scheme for the purpose of securing a regular and efficient supply of native labour to the various mining companies and other employers in these districts.

It has been suggested that:—

(*a.*) The Labour Bureau is worked by a Special Committee of this Chamber, of which Committee the Chief Native Commissioner, or his nominee shall be an *ex-officio* member.

(*b.*) A depôt be formed in Salisbury for the purpose of erecting the requisite compounds and offices which will be required.

(*c.*) That application be made to the Municipal Council for a four acre plot on the Commonage, for the purpose of erecting the above-mentioned compounds and offices.

The site of such a plot to be settled by the Committee and the Municipal Council.

(*d.*) The management of the compounds to be under the control of an official appointed by the Native Department, who shall be paid, partly by the Native Department and partly by the Labour Bureau.

The duties of such officials to consist of:—

The reception and feeding of the natives.

The passing of natives to their various employers through the Native Commissioner's Department.

The keeping of proper registers of all natives passing through the Bureau.

The keeping of the accounts in connection with the Bureau.

Attending to the general order of the compound and the conduct of the natives, and generally acting in accordance with such regulations as may be passed from time to time by the Bureau Committee.

(*e.*) That agents be sent to obtain labour from such districts as may be deemed advisable by the Committee.

(*f.*) That the charges to be made to the employers for native labourers, obtained through the Bureau, be regulated by the Committee.

For the above working of the above scheme it is estimated that a capital of £1,500 (fifteen hundred pounds) should be at the disposal of the Committee.

My Chamber suggests that credit to that amount be granted by the Chartered Company. The payment of such loan could be provided for by the income of the Bureau, and could be at such a rate as the Government and the Committee may mutually agree to from month to month.

I have, &c.,
BERTIE T. CARSON,
pro Secretary.

(1.)

RHODESIA CHAMBER OF MINES.

EXTRACT from REPORT of the EXECUTIVE COMMITTEE to MEMBERS of the CHAMBER, at their Forty-second Monthly Meeting, to be held on Thursday, the 27th April, 1899, at 4 p.m.

NATIVE LABOUR.

Members are fully aware of the views held by the Executive on this important subject, and which have received the sanction of the Chamber.

Your Executive have had several interviews with the Government lately, and embodied their views in the following letter, addressed to the Administrator on the 29th March :—

SUPPLY OF NATIVE LABOUR.

"I have the honour to acknowledge receipt of your communication of the 23rd February, which has been duly considered by the Chamber, and referred to a Special Committee of the Chamber at whose deliberations Mr. Taylor, Chief Native Commissioner, was present by special invitation.

"The Committee carefully and fully considered the question of establishing and maintaining a Labour Agency, under the supervision and control of a Committee to be appointed by the Companies guaranteeing the expenses which may be incurred in connection with such Agency, with the result that they have recommended the adoption by the Chamber of a scheme for securing and distributing labour among Companies requiring native labourers for mining purposes ; and I am now directed to submit the proposals of the Special Committee, which, you will observe, modify and expand the original proposals contained in my letter of the 15th February last, and which run as under, to wit :—

1. That a Chief Labour Agent shall be appointed at an annual salary of £700 whose head-quarters shall be in Bulawayo ; and that five districts or sub-agents be appointed at an annual salary of £500 each, to be stationed two in the Victoria District, one in Belingwe, one in Bulalema, and one in the Matoppos, and as far as practicable at the seat of the Government Native Commissioner.
2. That all Labour Agents shall be appointed by the Labour Agency, such appointments to be subject to the approval of the Government.
3. That each of the District Agents shall be furnished with a staff of twelve native messengers or assistants who shall be paid at the rate of £2 per month in addition to their food.
4. That each Agent shall be provided with a horse, saddle and bridle at a cost probably of about £60 each.
5. That a suitable compound shall be erected in the immediate vicinity of Bulawayo at a cost of about £500.

6. That it shall be the duty of the District Agent, with the assistance of their messengers, to engage native labourers for the purpose of distribution among companies requiring them for their mining operations, such native labourers to be sent to the central depôt at Bulawayo, from whence they shall be forwarded, under contract for three months' service, to the different companies requiring labour and contributing to the funds of the Labour Agency.
7. That all labourers whilst proceeding to Bulawayo or to the works of mines of the companies engaging them shall be under the escort of a District Agent and so many native assistants as may be necessary.
8. That all labourers secured as aforesaid shall be kept and fed at the expense of the Labour Agency until such time as they shall arrive at the place of their employment.
9. That the Government shall in all matters render such assistance as may be requisite to ensure the said Labour Agency being a success, and take steps to cause it to be made known among the natives that the agents appointed by the Labour Agency are the only agents approved of by the Government, and that natives engaging themselves through such agents need entertain no fears as to their wages, that they will be properly housed in suitable compounds, and in case of sickness receive every attention.
10. That the Government shall allow the Labour Agency the free use of their telephones and extend the telephonic system to all centres at which District Agents may be stationed.
11. That a fee of 2*s*. 6*d*. shall be charged to each employer for each labourer obtained through the medium of the Labour Agency.
12. That the expenses of establishing and maintaining the Labour Agency be met from a fund guaranteed by companies desiring to secure labourers, the B.S.A. Company, in its capacity as a commercial undertaking, contributing to such fund on the £ per £ principle.
13. That the said Labour Agency shall be under the management, control and supervision of a Board to be elected by the contributing companies, the B.S.A. Company to have the right to nominate representatives to sit on such Board.

"The Committee estimates that the capital expenditure in connection with the above scheme would be about £1,500, made up as follows :—

	£
Compound	500
Huts for Sub-Agents	500
Horses, &c.	500

and that the annual expenditure for maintenance would be about £6,000, made up as follows :

	£
Chief Agent	700
Five Sub-Agents at £500	2,500
60 Messengers at £2 per month	1,440
Food for Messengers at £1 per head per month	720
Horse keep	240
Incidentals	400
	£6,000

"You will notice that no charge is made for the maintenance of the labourers from the time they are secured until they are delivered to their employers, as the Committee is of opinion that the charge of 2*s*. 6*d*. per labourer mentioned in Clause 11 will be sufficient to cover any expenditure under this head.

"The Chamber has no hesitation in asking the British South Africa Company, as a commercial concern, to contribute towards the funds necessary for setting on foot and running a Labour Agency on the lines laid down in the foregoing proposals, as the advantages accruing to the Company from the development, exploitation and working of the mineral resources of this country are obvious, and equally obvious it is that the mineral resources cannot and will not be turned to profitable account until a continuous and sufficient labour supply is assured and secured to those engaged in mining pursuits, and it appears that such a supply may be more readily assured and secured by the adoption of the proposed scheme than by any other scheme which suggests itself to the Chamber, but the Chamber feels that the companies cannot, without financial assistance from the B.S.A. Company, embark upon an undertaking involving what seems at present a large outlay. The Chamber is aware that the B.S.A. Company is very largely interested directly as shareholders in the existing mining companies and consequently it considers that it is entitled to solicit financial aid in order to render such mining companies profitable ventures. Increased activity, which can only result from a constant and sufficient supply of labour, means an increase in the share-holdings of the B.S.A. Company, means an increase in revenue from transfers, &c.. means an increase in trade and consequent increase in other sources of revenue, means an increase in population, and means an increase in the general prosperity of the country, upon which the future existence of the B.S.A. Company entirely depends.

"The Chamber is further aware that the British South Africa Company has lately raised additional capital for the stated purpose, among others, of assisting financially the mining industry, and it ventures to think the mining industry cannot be more generally advantageously and beneficially assisted, and at a comparatively nominal cost than by the British South Africa Company applying a small portion of such additional capital to putting the labour supply upon a sound and permanent basis.

"Finally the Labour Agency will be quite prepared to undertake that no liquor shall be supplied to any natives engaged through the Agency and employed by subscribing companies.

"Commending the above scheme to the favourable consideration of your Honour."

The following reply was received from the Administrator on the 15th inst. :—

SUPPLY OF NATIVE LABOUR.

"I have the honour to acknowledge the receipt of your letter of March 29th, 1899, submitting a scheme for securing and distributing native labour, which has received the careful consideration of the Government.

"The proposals generally meet with the approval of the Government. Taking them *seriatim* the proposals set out in the Clauses 1, 2, 3, 4, 5, 6, 7, 8 and 9 are satisfactory to the Government.

"In regard to Section 10, the Government will allow the Labour Agency the free use of their telephone, but I cannot give a general undertaking that the Government will extend the telephone system to all Labour Agency centres. I am, however, prepared to undertake to place the five district centres mentioned in Clause 1, in telephonic communication with Bulawayo or some other telegraph office.

"Clause 11 is satisfactory to the Government.

"In regard to Clause 12, the British South Africa Company is prepared to contribute to the annual expenditure for maintenance only—not to any portion of the capital expenditure—on the £ for £ principle up to £3,000, *i.e.*, one half of the estimated total of £6,000.

"Clause 13. In regard to the composition of the Board, I would suggest that the British South Africa Company should have the right to nominate a number of representatives equal to the number of representatives elected by the contributing companies.

"I am of opinion that within a very short time the Labour Agency should become a self-supporting institution, and I understand that these views are shared by your Chamber who only look for financial aid from the British South Africa Company to the scheme in its initial stages.

"It is therefore understood that this guarantee on the part of the British South Africa Company is only given for the year ending March 31st, 1900."

The Executive, in acknowledging the foregoing, conveyed their thanks for the satisfactory proposals made by the Government, and suggested with respect to clause 13 that the Labour Board should consist of three members to be nominated by the British South Africa Company and three by the Executive of the Chamber, with the Chairman of the latter body as Chairman of the Board *ex-officio*. They further suggested that the contribution of the British South Africa Company should extend to the 30th April, 1900, instead of to the 31st March, as mentioned in the Administrator's letter.

The Government, under date 22nd instant, have expressed their willingness to agree to the above suggestions.

Your Executive think it a subject of congratulation that the above agreement has been arrived at, and have conveyed their thanks to the Government for the manner in which they had met the views of the Chamber.

The main principle involved in the scheme is, that the companies will guarantee the funds required, and those companies desirous of joining the guarantee should send in their proposals to the Secretary of the Chamber.

The final form of guarantee will be arranged by the Native Labour Board.

NATIVE PASS LAW.

Your Executive have under consideration a Pass Law which will be partly on the lines of the Law just promulgated in Natal. The subject is of great importance to the country generally, and the necessary data is being collected from the neighbouring States, and from the Cape Colony.

PAYMENT OF HUT-TAX IN GOLD.

With reference to the paragraph in last Monthly Report on the payment by the natives of the hut-tax in raw gold, the Salisbury Chamber of Mines addressed the Government on the 28th February, the following letter :—

RE NATIVES TRADING IN ALLUVIAL OR NUGGET GOLD.

"My Chamber has been informed that of late the Natives in certain districts have been paying their Hut Tax in nugget or alluvial gold.

"This, in the opinion of the Chamber, is undesirable, as it places the European at a great disadvantage.

"In order to buy, sell or trade in any way in gold, the European must be in the possession of a licence which costs him £50 per annum.

"If the natives are allowed to pay their taxes in raw gold, it opens to them a market against which the trader with his heavy licence cannot compete. Neither can the alluvial digger hold his own with the native when the latter is not subjected to taxes, licences, and heavy expenses which the former has to pay.

"If strong measures were taken to prevent the selling or buying of gold other than by those holding the Government Licence, the greater portion of the alluvial (estimated at a little under 3,000 ozs.), which annually leaves the country *via* the Zambesi, would find its way to this centre, and figure in the output of this country.

"Further, it would greatly facilitate the settlement of the labour question if the Hut-Tax had to be paid in current coin, for in order to obtain the same the native would have to more frequently enter into the service of the settler."

In answer to the letter written by the Executive the Commissioner of Mines replied as follows, dated 18th instant :—

"In reply to your letter of 18th March, I have to inform you that in certain exceptional cases where natives had no money or other means of paying Hut Tax except by alluvial gold already in

their possession, this gold, amounting in all to 15 ozs., was taken in payment, but they were informed at the time that this would not be repeated, and their position as to alluvial gold was explained to them."

Your Executive are quite in accord with the Salisbury Chamber in their action on this question, and consider the payment of the tax in raw gold is most objectionable.

* * * * * *

(2.)

(Extract.)

"RHODESIA HERALD," February 3, 1900.

CHAMBER OF MINES.

The usual monthly meeting of the Executive met on Wednesday morning prior to the quarterly general meeting. Major Johnson (President), was in the chair, and there were also present: Major Hoste, Messrs. C. T. Roberts, Wells, P. R. Roberts, Fairbridge, and Mr. Snashall (Secretary).

THE QUARTERLY REPORT.

The President said that, following the usual custom, he would take it that every member had carefully perused the report. It would be sufficient to go through the various items requiring any explanatory remarks.

Native Labour.—This was, the President said, perhaps the most important matter contained in the report, and was dealt with very fully by the Executive. He might mention that friendly representations had been made to the Portuguese authorities for a reduction on the high capitation charge at present made per boy, but so far these had not been successful.

Native Labour Bureau.—After referring at great length to the question of native labour and the proposals on this head made by the Rhodesia Chamber of Mines, the President related the counter-proposals of the Salisbury Chamber and referred in terms of the highest praise to the very satisfactory working of the Labour Bureau. This, he said, was chiefly owing to the indefatigable services rendered by the Chairman of the Bureau, Mr. C. E. Wells, who had devoted a vast amount of time and energy to it—far more in fact than any other member of the Chamber could possibly have done.

NATIVE LABOUR SUPPLY.

Some Important Proposals.

At the quarterly general meeting of the Chamber of Mines, on Wednesday, the question of native labour in Southern Rhodesia was gone into at great length.

The President (Major Johnson) said he had, along with Mr. C. T. Roberts, gone very carefully into the matter and had drafted a memorandum and various suggestions covering the ground of the proposals of the Rhodesia Chamber of Mines as to the advisability of the two provinces working conjointly for the purpose of obtaining an adequate supply of native labour for the mining industry. The Labour Bureau Committee and the Executive Committee had both passed unanimous resolutions approving these suggestions. Before asking for the views of the meeting he would read the following memorandum drawn up by himself and Mr. C. T. Roberts for the information of the Administrator of Matabeleland:—

"The Salisbury Chamber of Mines has already submitted to Government its detailed criticisms on the scheme put forward by the Bulawayo Chamber in the form of the suggested 'Rhodesia Native Labour Supply Association, Limited.'" The main objections of the Salisbury Chamber to the proposed scheme are as follows:—

(1) We cannot see the use of capitalising the scheme at half a million, and are confident that few, if any, of the Mashonaland companies would subscribe for 5,000 shares even if only 2*s.* 6*d.* were called up.

(2) We cannot see the reason for doing away with the existing bureaux and running the concern in the form of a joint stock company.

(3) Because it was made pretty clear that the proposed company would be managed from Bulawayo, and that in the event of any difference of opinion between the local board in Mashonaland and the head office in Bulawayo, the former can be at once dismissed and a paid manager appointed in their place, with power to distribute the labour obtained in Mashonaland exactly as the directors in Bulawayo thought fit, thus taking all control even of their own labour out of the hands of the Mashonaland mines. We acknowledge that in Southern Rhodesia sufficient labour cannot be obtained for the present requirements of the mining industry, and with every y ear the shortfall will become more severely felt. It must be borne in mind that, geographically, Mashonaland is much better situated with regard to labour supply than is Matabeleland. In this province there are probably four able-bodied natives to every one in Matabeleland, and in addition the proportion of natives inclined to work is larger in Mashonaland than in Matabeleland.

As regards outside supplies, Mashonaland is also better situated, the whole of the trans-Zambesi supplies in coming south having to pass through Mashonaland, and in the same way natives coming through Portuguese territory would have to pass through Mashonaland on their way to the south-western province. This geographical position cannot be lightly surrendered—at the same time we cordially agree on the necessity of providing against competition between the two provinces, which would ultimately lead to a war of rates detrimental to the mining industry throughout the whole country.

In entering into any financial arrangement with Matabeleland, we should have to have a very clear understanding that the management of the scheme will be on a more business-like basis than that which we believe has been worked at an annual loss, which is made good partly by the Government and partly by the various companies. This loss appears to have arisen from the peculiar manner in which boys are given to companies, at less than cost. The Labour Bureau in Mashonaland started on a capital of £1,500 lent by the Government: Some £800 was invested in buildings, whilst the Bank balance exceeds £800. On this capital a turnover of over 5,000 boys a year has been financed, and we are confident that double the number of boys can be dealt with with less than double our original capital.

We see no reason why Matabeleland should be unable to successfully work its Labour Bureau on the same principle. We are convinced that under existing conditions and until the Hut Tax is abolished and a comparatively heavy Poll Tax instituted in its stead, an increased labour supply cannot be drawn from this province.

We are convinced that the Native Commissioners in this province have heartily and cordially co-operated with the Labour Bureau to obtain labour for the mines, and that all possible moral and legal pressure has been exercised by the Native Commissioners to induce the natives in their districts to work on the mines.

If this conclusion is correct, it is clear that the increased labour supply must be sought for beyond the boundaries of Southern Rhodesia.

The President went on to say that the Chamber did not think the Government would sanction the formation of a joint-stock company for the purpose of obtaining native labour, which was too much in the nature of a monopoly. At present the matter stood over pending the Government's reply to the request of the Rhodesia Chamber of Mines. He might mention, however, that he and Mr. Roberts had seen the Administrator for Matabeleland, Captain Lawley, who was at present in Salisbury, on this subject. They had had two interviews with Captain Lawley, at the second of which Mr. Milton was present. Mr. Milton said that the Government could not possibly approve of such a scheme as that suggested by the Bulawayo Chamber, nor could they ask the Legislative Council to support it. Subject to the approval of the Chamber, he and Mr. Roberts had drafted what they considered to be the best alternative scheme to the Bulawayo proposal, and he thought they would sanction, if not the whole, at any rate the general principles involved. Acting on behalf of the Chamber, they had sent to the Government a letter embodying these suggestions, which were as follows :—

ALTERNATIVE SCHEME.

1. (A.) All labour obtainable inside Southern Rhodesia to be dealt with by the existing Labour Bureau.

(B.) Labour obtained in Matabeleland to be retained for the use of the Matabeleland mines.

(C.) Labour obtained in Mashonaland to be retained for the use of the Mashonaland mines.

From the preceding clauses we willingly except Victoria, whose labour shall first be offered to Victoria mines, and any surplus (which I take it at present means the whole) be sent to Matabeleland.

2. (A.) The labour required in excess of that obtainable in Southern Rhodesia to be imported and distributed by a body to be formed, entitled the Labour Board.

(B.) The Labour Board to consist of 12 members, four being nominated by the Government, four by the Bulawayo Chamber of Mines, and four by the Salisbury Chamber of Mines.

(C.) Six members of the Labour Board to reside and hold their meetings in Bulawayo, and the remaining half to reside and hold their meetings in Salisbury.

(D.) The Bulawayo portion of the Board to consist of two Government members, two representatives of the Bulawayo Chamber of Mines, and two nominees of the Salisbury Chamber of Mines, who would of course be Bulawayo residents. In the same way, in addition to the Government and Salisbury representatives, our portion of the board would contain two members nominated by Bulawayo.

(E.) The whole capital required by the Labour Board to be provided in the form of a loan from the Government, being interest at the rate of 5 per cent. per annum and subject to a sinking fund which shall not exceed 2*s.* per boy dealt with by the Labour Board.

We estimate the loan required to be £5,000, or at the outside £10,000.

(F.) The labour imported by the Labour Bureau, to be distributed on a basis of *bonâ fide* applications received from the two provinces, and that one of the duties of the Labour Board shall be to see that the applications are in accordance with *bonâ fide* requirements.

(G.) It is to be clearly understood by the Labour Board that the actual cost of each batch of boys is borne by the Companies to whom the boys are sent, or in other words that no loss be made on the working of the Board, and that in addition, the sinking fund be provided for.

(H.) The obtaining and distributing of boys from Barotseland and Western Territories would of course be in the hands of the Bulawayo portion of the Board, while Salisbury would make the necessary arrangements for the importation of labour from beyond the lower Zambesi Districts and Portuguese Territories. This means that the Salisbury portion of the Board would have the larger amount of work to do in arranging for boys, the greater portion of whom would be forwarded to Matabeleland, but this we are only too willing to do.

These, the President went on to say, were the proposals they had made to the Government, who, he might mention, had expressed their willingness to accept them with the exception of Clause E. The Administrators jointly had expressed a desire to have this clause altered to read that Government would contribute on the £ for £ principle, to be provided equally by Government and mining companies, without any mention of interest and sinking fund.

Both Mr. Roberts and himself had strongly objected to this on the grounds that companies could not be compelled to contribute, that some might contribute more than others, and so feel they had a larger voice in the direction of affairs, which would defeat the end they had in view, viz.: that the Board they proposed to be established should be a perfectly free and independent Board, quite free

from any suspicion of individual influences or restrictions. Personally he did not think the Government would hold out on this point. He was perfectly certain that if Bulawayo fell into line with their proposal the scheme would go through in its entirety. It would be worked on the same lines as the Harbour Board in Cape Colony which was worked in the general interests of the whole country. The regulation of the supply of native labour was a matter affecting the most vital interests of the mining industry, and through it, of the whole country, and should be strongly supported by Government. The President also quoted in support of his contention the Natal Emigration Board supported by the Natal Government.

Mr. Fairbridge: Why not call it the Emigration Board here also?

The President did not think the time was as yet ripe for this, although it might eventually be done.

Mr. Roberts pointed out that the clause in reference to the distribution of labour had been slightly altered by the Labour Bureau's resolution so as to make it read that distribution should be on the basis of *bona fide* applications for boys sent in by the various mining companies.

Continuing, the President said they could not shut their eyes to the unpleasant fact that Southern Rhodesia could not provide sufficient labour for the mines. They might for some time obtain a very fair amount from Portuguese territory, but before long they would again have the Transvaal competing with them in that quarter, and they would be compelled to go farther afield. He would not be surprised if in the future they had to go to China for it. ("Oh!" and laughter.) As yet it did not affect Mashonaland to any great extent, because they had practically no companies in the producing and dividend earning stage, but that would not be the case much longer and there could be no feeling of real confidence at home as to the future of the country until they had a regular and adequate supply of Native labour.

After a short discussion the scheme was unanimously adopted.

The President said that on the strength of the resolutions passed that day the Executive Committee would at once communicate with the Bulawayo Chamber.

The meeting terminated with a vote of thanks to the President.

(3.)

"BULAWAYO CHRONICLE," February 24, 1900.

(Extract.)

CHAMBER OF MINES.

Monthly Meeting yesterday.

The usual monthly meeting of the Chamber of Mines took place yesterday afternoon, the President (Dr. Hans Sauer) in the chair. There was a good attendance.

* * * * * *

NATIVE LABOUR.

The settlement of the constitution of the new labour bureau has not been advanced since the last monthly meeting of the Chamber. The President explained then to the members that the Salisbury Chamber was not disposed to join in a scheme to work the mines of the two provinces, and practically they maintain that position now—being, no doubt, greatly influenced by the Government controlling and financing their labour bureau. Your Executive are making another effort to consolidate the interests of both provinces under the control of one board, as this seems to them the only alternative to a competition leading to a war of rates. In the meantime, about 1,500 boys have been forwarded by the existing bureau between the 1st January and 13th inst. The supply from Victoria has improved, and all the labour agents report that prospects are good.

* * * * * *

The President's Remarks.

With reference to the question of native labour, he regretted that they had omitted to publish in the report a communication which they had received from the Salisbury Chamber of Mines, making certain proposals as to the control of native labour in this country. The letter had appeared in the Salisbury *Herald*, and the original was in the office here and could be seen. In effect the Salisbury offer was this: that the Bulawayo Chamber should practically continue as they were doing, that there should be a local labour bureau for Matabeleland and one for Mashonaland as they existed at present, and that in addition there should be a joint labour board for Bulawayo and Salisbury for the purpose of obtaining and controlling the labour supply from outside Rhodesia. The Executive of the Bulawayo Chamber did not consider that that was a workable proposal, and the main reason was that there would be practically four boards dealing with the question of native labour, the two boards dealing with local labour and the joint board dealing with extra-territorial labour, half sitting here and half at Salisbury. The Executive thought this scheme complicated and cumbersome, and therefore did not see their way to accept it. The main objection of course which the Salisbury people had in their minds in refusing to come under the scheme which the Bulawayo Chamber formulated was that at present their labour board was financed entirely by the Government, and the Government had in addition used the native commissioners in Mashonaland as collectors and distributors of labour. In this country the Government refused to do that and made instead a contribution to the local labour bureau. Then the latter had to engage expensive agents, equip them

with horses, huts and material, and station them all over the country. Of course he (the speaker) could quite understand that the Salisbury people were not anxious to forego the advantages which they at present possessed. As long as the Government were doing for them what they were doing now they were not anxious to change. That was in effect what had happened. The Bulawayo Executive were going to reply declining the proposal, and urging as an alternative that they were willing to forego their labour scheme—which as they knew was a joint stock company—and proposing that they would agree to the establishment of one labour bureau for the whole of Rhodesia, on which Bulawayo and Salisbury should be jointly represented. He did not anticipate, however, that Salisbury would fall in with the proposal, for the reasons he had already stated. If Salisbury declined the alternative, they (the Bulawayo people) would have to go on with what the former were pleased to call "our half million pounds company." That company could not of course work to a profit. It was not intended that it should. The articles of association and the memorandum of agreement were so drawn up as to preclude any distribution of profits which could be made—though as a matter of fact no profits could be made—and the capitalisation was placed at half a million in order to avoid the legal formalities and expenses connected with the continual increase of capital which would have been necessary in the event of companies taking up shares from time to time in the future.

In the meantime they would have to continue with the present bureau as it was constituted. They would notice that from January 1st to the 13th of this month the local labour bureau had collected and distributed 1,500 boys to the various companies in this country. The fourth call would probably have to be made on the members who originally contracted with the bureau, unless, of course, they could in the meantime come to an arrangement with Salisbury, or they might simply decide to go on with the company. In the event of those two things not happening before the expenditure incurred was to be met they would be bound to make the final call on the members of the labour bureau—or for such an amount as would pay the liabilities incurred up to the time of the call.

Enclosure 2 in No. 13.

RESIDENT COMMISSIONER, Salisbury, to HIGH COMMISSIONER.

SIR, Resident Commissioner's Office, Salisbury, April 4, 1900.

IN compliance with Your Excellency's instructions contained in despatch, No. 1, dated 20th January, 1900, I have the honour to submit herewith my report on the obtaining of native labour in Southern Rhodesia.

In my despatch of the 12th March, 1900, I sent at Your Excellency's desire a report on the constitution of the Labour Bureau, Southern Rhodesia, and so have only in my present report referred to their "scheme of working."

I have, &c.,
M. CLARKE,
Resident Commissioner.

His Excellency
the High Commissioner,
Cape Town.

REPORT on the Recruiting of Labour for the Mines, Southern Rhodesia.

In Rhodesia and elsewhere in South Africa, the actual mining work is done by the natives, and as a rule the demand for labour exceeds the supply. It is evidently the interest of the British South Africa Company, and the subsidiary Companies to get men from the territory as far as possible; the material is good enough, and the cost less than when they have to go far afield. Unfortunately neither the Matabele nor other Rhodesian tribes take kindly to labour in the mines, and they have little inducement to do so; their wants are few, and till lately money had no value to them. To a large extent this is still the case, and they work in the mines either from direct pressure brought to bear on them by the Administration, a pressure only short of force, or the necessity of earning enough to pay their taxes. This naturally does not tend to make industry attractive, and the duties of the Native Commissioners to induce the native to work, and afterwards to collect taxes from wages unwillingly earned, makes their positions difficult and detracts from their influence.

The great majority of the natives sent to the mines stay as short a time as they can, and during the rainy season object to go at all. The Matabele think it beneath their dignity to work. The tribes which have been directly subject to them, and the Mashona, are an agricultural people, and judged by the standard of other South African tribes, industrious, the men doing the work in the fields, which in many places

falls to the women; tilling, hoeing, and weeding occupies their time from November to March. It would be a difficult matter without the employment of force to wean the natives from their fields, and to do so, having regard to the increasing native population of South Africa, would be unwise.

The annual recurrence of deficiency of labour, due to this cause, seriously embarrasses the mining industry.

The mines draw their labour either from natives, who, coming from within or without the territory, offer their services directly, or from those sent to them by the Native Commissioners, and the Labour Bureaux; there are two Bureaux, one connected with the Southern Rhodesia Chamber of Mines, Bulawayo, the other connected with the Salisbury Chamber of Mines. The former employ labour agents.

In Mashonaland the Native Commissioners are the sole recruiting, and, in many cases, the distributing agents, and in both provinces they are alike required to "use their utmost endeavours to induce the natives to work and to meet the demands of the various mines."

The most satisfactory results are obtained where natives select their employers, and mines which have earned a good name complain far less of the want and incompetence of hands than those which have the reputation of treating their people unjustly, harshly, or inconsiderately, and whose supply depends on natives sent them by Native Commissioners, and labour agents. Natives so sent naturally think that in case of ill-treatment it is better to desert than to apply for redress to the official who has placed them.

Efforts seem to be consistently made by the Administration, supported by some of the best mining companies, to ameliorate the conditions of labour, to ensure regular pay, fair treatment, and due attention in case of illness, but this is not the case with some of the companies and individual employers.

In recruiting labour, Native Commissioners call on the chiefs and indunas for their assistance, and considering the system of tribal and family responsibility general amongst South African natives, no other effectual course seems open to them. Individual recruiting would at best have unsatisfactory results. Chiefs have an authority which it is useless to ignore. In case they were overtly or secretly opposed to their young men going to work they could always throw impediments in the way.

Experience has also taught us that chiefs, sensitive as they are to the opinions of those under them, are less likely to act oppressively than native messengers or employees, who are always under the temptation to benefit themselves through the prestige they derive from Government, and over whom it is impossible to exercise a salutary control when they are out of reach of supervision.

The true inducement to labour, and the only one, I submit, calculated to benefit the natives, is the development of legitimate wants, which money can satisfy. Within the last few years the natives are acquiring wants; many of them have got over the first fear of working underground; above all they are learning to enjoy some sense of security in their possessions.

The necessity of providing means to pay taxes is but a temporary expedient, and does not work satisfactorily; even the modified form adopted in the Glen Grey Act was strongly condemned by some of the most experienced officials in charge of the natives in the Cape Colony; amongst others Sir Henry Elliott gave his opinion that it was regarded by the natives in the Transkei as objectionable and irritating. In Basutoland, although in practice the greater part of the taxes were paid from labour earnings, the Basuto at all public meetings and official interviews were careful to describe the hut as a land tax, the payment of which was derived from the soil.

At present there is undoubtedly discontent amongst the natives. This is due, primarily, to the constant pressure exercised by the Administration, and to the often arbitrary and illegal methods adopted by native messengers in collecting taxes and requisitioning labour.

With this in view, while recognising the necessity of the mines having a continuous and dependable supply of labour, I think an immediate increase in taxation (though the natives could readily earn enough to pay more than they do) would cause further disaffection, which might lead to actual disturbance in the future. Besides, it is very doubtful if any reasonable increase in taxation is calculated to attain the wished-for end.

In 1899 the hut tax, which previously had been paid any time before the close of the year, was arbitrarily collected in July; the immediate result was that to meet this unforeseen call the natives turned out to work in thousands, the labour supply, of which

there was a famine just before, exceeded the demand. This lasted for a month or two, during which time a lot of raw boys were being employed with little benefit to the companies. Then all the natives who had sought work under extraordinary pressure returned. Many deserted to their homes, leaving the mines worse off than ever.

The present system of recruiting is open to the objections that it is unduly coercive, that the Administration takes an active part in it, and is unable to afford adequate protection to the labourers.

I submit that in the interests of all it would be better for the mining companies to give up the idea of being able to obtain sufficient labour for their requirements within the territory, and complement the deficiency by organised recruiting elsewhere.

As the country gets more settled, employment more congenial to the natives than mining will be offered on railway constructions, other Government work, as well as on farms, &c. Mines must, if they depend on voluntary labour, come badly off in competition.

M. CLARKE,
Resident Commissioner,
Southern Rhodesia.

No. 14.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received June 6, 1901.)

[*Answered by No.* 19.]

The British South Africa Company, 15, St. Swithin's Lane,
SIR, London, E.C., June 5, 1901.

WITH reference to correspondence upon the subject of the importation of labour from Abyssinia into Rhodesia, I am directed to inform you that the Board has heard lately from the Administration, by cables dated the 3rd ultimo and the 2nd instant, of which copies are transmitted herewith for your information, that the importation of Arab labour, to which further reference is made in my letter of the 30th May, 1901,* has proved a success, and that it is desired to secure immediately a second batch of 1,000 similar labourers, and to institute enquiry as to the possibility of obtaining further supplies from the same source.

With the object of ensuring a better supervision of the arrangements, it is now proposed to entrust the control of this work to Mr. H. Marshall Hole, Secretary to the Administrator at Bulawayo, who will proceed to Aden by the steamer, leaving Beira on the 12th instant.

On his arrival, it is considered of great importance that he should have the advantage of the advice and assistance of the officers of the Indian Government stationed at that port, and that they should be authorised to register contracts of service and generally to give facilities for the work. In order, therefore, that their co-operation may be secured, and that the necessary instructions may be issued with as little delay as possible, my Directors desire respectfully to ask the Secretary of State, should he be pleased to approve these proposals, to make such representations to the Secretary of State for India as may ensure for them immediate and favourable consideration.

I am, &c.,
J. F. JONES,
Secretary.

Enclosure 1 in No. 14.

CABLEGRAM, addressed to BRITISH SOUTH AFRICA COMPANY, London.

(I. 1471.)

Salisbury, May 3, 1901.

Urgent. Arab labour brought down by Tulloch and Kusel now working. Surprise Gold Mining Company, Limited; they have proved satisfactory, and they are

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* Not printed.

well contented. Somalis and Abyssinians badly selected, and not satisfactory. Labour Board desire attempt immediate importation further 1,000 Arabs, and organize future regular supplies. Mines guarantee proper compounds, and rations now issued to Arabs, with which they are content. They asked that Indian Officers stationed at Aden (they) should be authorised to assist by registering natives and supervising proceedings, which will be carried out by Eustace, Manager of Board, who is thoroughly to be relied upon. He will take with him two of Arabs now working here. I am arranging with Mashonaland Railway to erect proper compounds Beira station, to which Arabs can be sent direct from steamer(s) without entering town. Arabs (they) will be carefully selected and looked after; failing success this proposal several mines probably close next September, when present inadequate local supplies cease. I hope you will get Imperial Government agree instruct officer(s) at Aden to (? assist); you should advise me whether early removal prohibition Delagoa Bay native(s) probable. Crewe's Concession not granted by Portuguese.—MILTON.

Enclosure 2 in No. 14.

CABLEGRAM, addressed to BRITISH SOUTH AFRICA COMPANY, London.

Bulawayo, June 2, 1901.

Referring to your telegram of 31st May, Administration take over control importation labour referred to in our telegram of 3rd May, I am to send H. Marshall Hole to Aden by steamer, leaving Beira on 12th June to arrange for immediate importation 1,000 Arabs, and to report as to probable further supply(ies). Kusel goes as agent H. Marshall Hole supervision. It is necessary that you secure issue of instructions to Indian Officer(s), Aden, as to registration contract(s) and general assistance to H. Marshall Hole, and am discussing with C. J. Rhodes and Labour Board question future management labour supply(ies). It is certain that we must resort to importation, and I propose establish Immigration Department(s), to deal with labour brought from outside, South Africa Labour Board dealing with local supplies.

No. 15.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received June 6, 1901.)

[*Answered by No.* 19.]

The British South Africa Company, 15, St. Swithin's Lane,
SIR, London, E.C., June 5, 1901.

I AM directed to refer to my letter of the 18th August, 1900,* pointing out the serious situation which had arisen in Rhodesia owing to the scarcity of native labour, which had caused the shutting down of several important mines, and transmitting, for the consideration of the Secretary of State, draft of proposed legislation designed to regulate the importation of Asiatic labour into Rhodesia. I am also to refer to your reply of the 28th September, 1900,† in which the Board was informed that Mr. Chamberlain was consulting Sir A. Milner upon the subject, that the matter would require most careful consideration, and that, in any event, it did not appear to be one on which it would be desirable that the High Commissioner should be called upon to legislate by Proclamation.

Since the date of the above correspondence, every endeavour has been made to obtain in South Africa an adequate supply of labour for the Rhodesian mines, but without success, and the Administration has been forced, reluctantly, to the conclusion that, unless the local supply of labour can be supplemented from outside sources, it will be hopeless to expect improved conditions in the mining industry. The corres-

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* No. 7. † No. 8.

pondence which the Board has lately had, by cable, upon this subject, with the Administration, is transmitted for your information.

It is now desired to introduce legislation which will regulate the importation of all imported labour, the Ordinance which was previously submitted to Mr. Chamberlain, by my letter of 18th August, 1900, having been modified, locally, in some details, but without alteration of principles, so as not to relate exclusively to Asiatics, but to affect equally Arabs or other similar labourers. I am, accordingly, respectfully to ask, if, in the event of such legislation being passed by the Legislative Council of Rhodesia, with the approval of the elected members, the Secretary of State will authorise the High Commissioner to give to it his assent.

I am, &c.,
J. F. JONES,
Secretary.

Enclosure 1 in No. 15.

CABLEGRAM, addressed to CHARTER, Cape Town.

London, May 22, 1901.

Communicate the following to Mr. Rhodes:—

Begins: Board of Directors are concerned, seriously, with the reports received lately as to the labour position in Rhodesia, and especially with the representations made to them by Globe and Phœnix Gold Mining Company, Limited, and Willoughby's Consolidated Company, Limited, and other Companies. It appears to be proved that the labour available in Southern Rhodesia itself is insufficient, though it is possible that if British South Africa Company itself undertakes the conduct of the Labour Bureau, more may be done in this direction, and R. T. Coryndon advises that some further labour might then be obtained from Barotse country; it appears a supply cannot be looked for from Portuguese territory at present. This question is vital both to the mining, and railway position, as, owing to the weak finances of many of the subsidiary companies, continuance of the present position to some will mean ruin. Board it is sure that you have considered this for some time past, and are now discussing it locally, and are anxious you should advise, by wire, whether it is not now necessary for the Company to press for legislation necessary to import Asiatic labour. Board of Directors are aware of the political difficulties, but are anxious for your opinion, as, from the information here, they see no other solution, and further, the question appears most pressing.

Enclosure 2 in No. 15.

CABLEGRAM, addressed to MONOMOTAPA, London.

Bulawayo, May 30, 1901.

Mr. Rhodes desires me to communicate the following to you:—

Begins: Referring to your telegram received 24th May, I think you should ascertain whether Lord Milner and Secretary of State would approve of legislation on the lines of the Ordinance drafted in London; it has been modified here in some details but principles are not affected. This would not relate only to Asiatics but to Arabs and others who have been found efficient labourers. My position is, that we must obtain the support of community, through elective members, if we submit legislation, but first we must ascertain whether Colonial Office and Lord Milner will approve. Since last year we have tried every other source and failed.

No. 16.

COLONIAL OFFICE to LORD MILNER.

[Answered by No. 17.]

MY LORD, Downing Street, June 14, 1901.

I AM directed by Mr. Secretary Chamberlain to transmit to you the accompanying copies of letters* from the British South Africa Company, from which it will be seen that they desire to obtain facilities from the India Office for recruiting a further batch of one thousand Arab labourers at Aden.

2. Mr. Chamberlain has inquired by telegraph whether the Resident Commissioner sees any objection to this further importation of Arab labour, and before approaching the Secretary of State for India on the subject he would be glad to learn your views generally on this proposal. No official communication has as yet been made to the India Office, but it is understood that the Indian Emigration Act would not apply to the enlistment of natives of Arabia, who were not British subjects, that consequently no special procedure would be necessary, and that the authorities would not place any obstacle in the way of recruiting other than British subjects.

3. As at present advised, and subject to any recommendations he may receive from you or the Resident Commissioner, Mr. Chamberlain is disposed to inform the British South Africa Company that he will submit their application to the favourable consideration of the Secretary of State for India, on the understanding that the Administration of Southern Rhodesia will accept full responsibility for the transport of any labourers recruited from Aden to Rhodesia, and will undertake to secure the enactment of legislation for their protection while in the country, and their return to Aden on the due completion of their contracts. Special legislation will, of course, be necessary, as the Native Regulations will not be applicable to these men, and it appears preferable to have a separate Ordinance for the protection of labourers who are not natives of Africa, rather than to amend the Order in Council and the Regulations.

4. It will be seen that the Company recognises the necessity of legislation for the regulation of the importation of outside labour, and that they inquire whether the Secretary of State will be prepared to assent to an Ordinance on the lines of the draft Immigration Ordinance of 1900. This draft, as you are aware, was prepared in view of the proposed importation of Chinese labour. Mr. Chamberlain accordingly proposes to reply that he regards it as essential that legislation for the protection of imported labourers should be passed at the next meeting of the Legislative Council, and that he will agree to any suitable measure which is recommended by the Resident Commissioner and the High Commissioner, but that he cannot bind himself beforehand to approval of any scheme without seeing the draft, and must in particular decline to give any sanction to Chinese immigration at present. Any scheme for introducing Chinese labour must be considered separately and must form no part of the proposals to which he is now asked to agree.

5. In order, however, to save time, it would probably be advisable to indicate briefly the heads of the proposed legislation. If you concur, I am to inquire whether you would agree to the following suggestions, as indications of the lines on which the proposed Ordinance should be drawn:—

The Administration to be responsible for the transport of labourers from the country of origin to Rhodesia, and for their care while on the journey, and subsequently until they had found work. A Protector of Immigrants to be appointed, with an adequate staff and ample powers for the inspection of any places where immigrants were working, for enforcing rules made for the protection of immigrants, for the investigation of complaints and for cancelling their contracts in case of ill-usage. All contracts between labourers and employers to be subject to the supervision of the Protector of Immigrants, whose duty it shall be to satisfy himself that the terms proposed are fair and equitable, and are fully understood by the immigrant. The Administration to be responsible for the return of the immigrant to his country of origin

* Nos. 14 and 15.

if he is rejected as unsuitable on arrival in Rhodesia, or when he shall have completed the period for which he was originally engaged.

6. A printed draft* of the proposed Immigration Ordinance of 1900 is enclosed herewith, and I am to ask you to be good enough to return it with your reply.

I am, &c.,
M. F. OMMANNEY.

No. 17.

LORD MILNER to COLONIAL OFFICE.

(Received June 24, 1901.)

SIR, Colonial Office, June 21, 1901.

I HAVE the honour to acknowledge the receipt of your despatch of the 14th instant.†

I gather that the Secretary of State has no objection in principle to the British South Africa Company obtaining further labourers from Aden, and I entirely agree.

With regard to the legislation to be introduced for regulating the introduction of Asiatic or other coloured labourers, not being South Africans, into Rhodesia, I am of opinion that, as the matter is urgent, it would be desirable to agree at once with the Company as to the provisions of the requisite law; and the outlines of a Bill sketched in your despatch under reply seem to me to contain all that is essential.

I do not, however, quite understand for what reason it is thought that the Draft Ordinance of 1900, dealing with this subject, should be entirely put aside.

That Ordinance does not deal specially or exclusively with Chinese immigration (*see* Clause 5), and it appears to me that it might very well serve as a basis of discussion, and be introduced, with such alterations as the Secretary of State may think fit to require, in the next Session of the Legislature of Southern Rhodesia.

I am, &c.,
MILNER.

I return the Draft Immigration Ordinance of 1900, printed copy, as requested.

No. 18.

HIGH COMMISSIONER LORD KITCHENER to MR. CHAMBERLAIN.

(Received June 21, 1901.)

[*Answered by No.* 23.]

SIR, High Commissioner's Office, Johannesburg, May 31, 1901.

IN continuation of Sir Alfred Milner's despatch of April 19th,‡ on the subject of native labour bureaux in Southern Rhodesia, I have the honour to enclose a copy of the Resident Commissioner's despatch of May 8th, together with duplicates of the enclosures§ referred to in the last paragraph but one of despatch of 19th April, with the exception of the "Memorandum and Articles of Association of the Rhodesia Native Labour Supply Association, Limited," a duplicate copy of which is not obtainable here.

I have, &c.,
KITCHENER,
High Commissioner.

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* *See* enclosure in No. 7. † No. 16. ‡ No. 13.
§ Printed with No. 13.

Enclosure in No. 18.

RESIDENT COMMISSIONER, Salisbury, to HIGH COMMISSIONER.

SIR, Salisbury, Rhodesia, May 8, 1901.

IN reply to Your Excellency's despatch, No. 8, of the 20th April, 1901, asking if I had any further observations to offer on the constitution and working of the Labour Bureau, I have the honour to inform you that on the 1st July, 1900, a Labour Board for Southern Rhodesia was substituted for the Matabeleland and Mashonaland Labour Bureaux, the constitution of which was given in my despatch of the 12th March, 1900.

The immediate object of the Labour Board is to deal with collection and distribution of Native Labour for Mining and other purposes in Southern Rhodesia.

The Board consisted of 16 members, three representing Mashonaland in Salisbury, three representing Mashonaland in Bulawayo, three representing Matabeleland in Bulawayo, three representing Matabeleland in Salisbury, and four representing the Administration; of these four, two were the Chief Native Commissioners.

Pending legislation, which it was promised should be submitted, at the next session of the Legislative Council, the Board was instructed to follow the same lines as the Labour Bureaux.

By Government Notice, No. 60, of 1901, the Administrator dissolved this Labour Board and in lieu thereof appointed a Board to consist of 12 members; of these, four represented Mashonaland, two in Salisbury, and two in Bulawayo, four represented Matabeleland, two in Bulawayo, and two in Salisbury; the four representatives of the Administration were unchanged.

Practically the recruiting of Native Labour within Rhodesia continues to be directed by the Chief Native Commissioners of Mashonaland and Matabeleland. In Matabeleland labour agents are employed; these were introduced to the natives by the Chief Native Commissioner; in Mashonaland Native Commissioners continue to recruit and in some instances distribute the labour.

The principal end in view was to avoid competition between the two provinces, and when possible to assimilate the rates of payment; the latter object has so far failed.

It is always difficult to get trustworthy information as to the pay given to natives, which even at one single mine occasionally varies according to the source from which the labour is drawn and whether the natives are paid by the shift or piece work.

A tariff was framed for the pay of natives by the sub-committee of the Labour Bureau, Matabeleland, on the 19th October, 1899, but I gather from the reports of the Inspector of Native Compounds, Gwelo-Selukwe District, that in January last, none of the mines inspected paid according to the tariff; in February only three are reported as paying in excess, the remainder presumably below.

I also am informed that much discontent is caused amongst the natives, due to labourers employed through the agency of the Labour Board receiving in many cases lower wages than are given to those who seek work at the mines on their own account, to this cause a proportion of the numerous desertions reported is attributed.

These two points are referred to in the Secretary of State's despatch, No. 633, of the 23rd December, 1899. I have spoken on the subject to the Administrator who informs me that it is receiving his consideration.

Until the Act constituting the Labour Board has been passed by the Legislative Council, approved, and promulgated it would be premature to forecast how the scheme will work out.

As requested by Your Excellency I enclose duplicate of the printed enclosures to my despatch, No. 12, of the 12th March, 1900; I cannot procure a further copy of the

Articles of the "Rhodesia Native Supply Association, Limited," as this Association went into voluntary liquidation on August 31st, 1900.

I have, &c.,
M. CLARKE,
Resident Commissioner.

His Excellency
The Acting High Commissioner,
Johannesburg.

No. 19.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

[*Answered by No.* 20.]

SIR, Downing Street, June 26, 1901.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letters of the 5th instant,* with regard to the proposed importation of Arab labourers into Southern Rhodesia, and to inform you that he has been in communication with the Resident Commissioner and Lord Milner on the subject.

2. Mr. Chamberlain understands, from the telegrams, of which copies accompanied your letters, that the Administration of Southern Rhodesia have taken over control of the importation of labourers from countries outside Rhodesia, and will make all necessary arrangements for recruiting and transporting labourers and for their reception on arrival. He would, however, be glad to receive an assurance from the Directors of the British South Africa Company that the Administration accepts full responsibility for the proper carrying out of these arrangements. He also understands that the Administration will secure the enactment of legislation for the protection of imported labourers during the ensuing Session of the Legislative Council.

3. It is presumed that the proposal is to recruit only persons who are not British subjects or natives of India, as otherwise the measures prescribed by the Indian Emigration Act would have to be taken before recruiting would be allowed at Aden.

4. Copies of your letters have been transmitted to the India Office, together with a copy of this reply, and, on the understanding indicated above, Mr. Chamberlain has recommended the Company's request for facilities to Mr. Marshall Hole, to the favourable consideration of the Secretary of State for India. It is, of course, not desired that the officers of the Government of India should take any active part in recruiting.

5. With regard to the proposed legislation, I am to state that Mr. Chamberlain regards it as essential that an Ordinance for the protection of imported labourers, applicable to the labourers who are now being introduced, should be passed during the next Session of the Legislative Council, and that he will agree to any suitable measure which may be passed, and which is recommended by the Resident Commissioner and the High Commissioner, but that he cannot bind himself beforehand to approve of any particular scheme without seeing the draft, and must, in particular, decline to give any sanction to the importation of Chinese labourers at present. Any scheme for introducing Chinese labour must be considered separately later on, and after it has been fully discussed locally. Until he is in possession of a clear expression of local South African opinion on this subject, he is unable to commit himself in regard to the matter.

6. As an indication of the lines on which the proposed Ordinance should, in Mr. Chamberlain's opinion, be drawn, I am to suggest that the following provisions should be adopted:—

The Administration to be responsible for, and to have direct control of, the engagement of labourers, their transport from the country in which they are engaged to Rhodesia, and for their care while on the journey, and subsequently, until they have found work.

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* Nos. 14 and 15.

A Protector of Immigrants to be appointed, with an adequate staff, and ample powers for the inspection of any places where imported labourers are working, for enforcing rules made for the protection of imported labourers, for the investigation of complaints, and for cancelling contracts in case of ill-usage.

All contracts between labourers and employers to be subject to the supervision of the Protector of Immigrants, whose duty it shall be to satisfy himself that the terms proposed are fair and equitable, and are fully understood by the labourer.

The Administration to be responsible for the return of the imported labourer to the place at which he was engaged, if he is rejected as unsuitable on arrival in Rhodesia, or when he shall have completed the period for which he was engaged.

I have, &c.,
M. F. OMMANNEY.

No. 20.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received July 5, 1901.)

British South Africa Company, 15, St. Swithin's Lane,
London, E.C., July 4, 1901.

SIR,

I AM directed to acknowledge the receipt of your letter of the 26th ultimo,* with reference to the proposed importation of Arab labourers into Southern Rhodesia, and I am to inform you that the purport of your letter was at once communicated by telegraph to the Administrator. I enclose a copy of my cable to the Administrator and of his reply, and I am to express the hope that the latter will be satisfactory to Mr. Secretary Chamberlain.

I am also directed to forward a copy of a letter, dated the 5th ultimo, from the Company's Bulawayo Office, transmitting copies of the Administrator's instructions to Mr. Marshall Hole, and of a letter which has been addressed to the Political Agent at Aden.

I have, &c.,
E. C. CLEGG,
Assistant Secretary.

Enclosure 1 in No. 20.

BRITISH SOUTH AFRICA COMPANY, London, to ADMINISTRATOR, Salisbury.

CABLEGRAM.

Addressed to Charter, Salisbury.

London, June 27, 1901.

Arab Labour. Colonial Office understands Administration has taken over control importation labourers, and will make arrangements for recruiting, transporting, and reception. Colonial Office asks for assurance from Board that Administration accepts full responsibility, and presume only persons not British subject or Natives, India, will be recruited on this understanding. Colonial Office has recommended H. Marshall Hole to favourable consideration. India Office states it is not desirable that Officers of Government, India, should take any active part in recruiting. Secretary of State for Colonies regards it essential that Ordinance for protection imported labourers and applicable to present importation should be passed ensuing session Legislative Council, and will agree to any suitable measure, but cannot bind himself beforehand without seeing draft. He will not sanction at present importation of Chinese labour. With

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* No. 19.

regard to Ordinance Secretary of State for Colonies thinks Administration must be held responsible for, and must control directly, engagements of labourers, their transport, care of en route, and until work has been found. A protector of immigrants to be appointed with staff, and power for inspection of places where imported labourers working for enforcing rules, investigating complaints, and cancelling contracts. All contracts between labourers and employers to be subject to supervision of Protector of Immigrants who must satisfy himself the terms are fair and equitable, and understood by labourer. Administration to be held responsible for return of labourer to place where engaged if refused as unsuitable or on completion of engagement.

Enclosure 2 in No. 20.

ADMINISTRATOR, Salisbury, to BRITISH SOUTH AFRICA COMPANY, London.

CABLEGRAM.

Salisbury, June 29, 1901.

Referring to your telegram of 27th June, Administration has taken over control importation, and accepts full responsibility. Draft Ordinance should reach you 13th July. It provides that British subjects or Indians they should not be recruited without sanction of Secretary of State for the Colonies or the Governor of Colony; also for establishing immigration Department and appointment of protector of immigrants with inspection and medical staff. Issue of Licences to contractors is provided for, but, as Secretary of State for the Colonies desires administration should undertake importation licence (s), will not be issued all other requirements of Secretary of State for Colonies will be met by Administration. With regard to present importation I have insisted on proper accommodation being provided in advance at mines, and it shall be dealt with on lines of Draft Ordinance. H. Marshall Hole arrived, Aden, 27th of June. Hope instructions have been telegraphed.—W. H. MILTON.

Enclosure 3 in No. 20.

BRITISH SOUTH AFRICA COMPANY, Bulawayo, to BRITISH SOUTH AFRICA COMPANY, London.

(Labour. No. C. 4.)

I beg to acknowledge the receipt of your cablegram of the 31st May, reading as follows:—

"Has Administration now taken over entire control Labour Board?"

and to confirm my reply of the 1st instant, as follows:—

"Referring to your telegram of the 31st. Administration takes over control importation labour referred to in my telegram 3rd May. I am sending H. Marshall Hole to Aden by steamer leaving Beira on 12th June, to arrange for immediate importation 1,000 Arabs, and to report as to probable further supply. Kusel goes as Agent under Hole's supervision. It is necessary that you secure issue of instructions to Indian Officer, Aden, as to registration contracts and general assistance to Marshall Hole. I am discussing with C. J. Rhodes and Labour Board question future management labour supply. It is certain we must resort to importation, and I propose establish immigration Department to deal with labour brought from outside South Africa, Labour Board dealing with local supply."

At a meeting of the Labour Board held on the 1st instant, at which His Honour the Administrator and Mr. Rhodes were present, the desirability of sending a Senior Government Official to Aden to supervise the collection and despatch of labourers by the Board's Agent, and to arrange with the Authorities there for regular periodical supplies in the future was urged upon the Administration. His Honour has selected Mr. Marshall Hole for this service, and he left for Salisbury last night en route for Aden.

The Government has undertaken to deliver the labourers at the mines at a cost of £6 per head, including the Agent's salary and fees.

With regard to the instructions for the Indian Officer at Aden, I am to inform you that should these not have reached Aden on Mr. Marshall Hole's arrivel there, he has been instructed to cable you.

I enclose, for your information, a copy of His Honour's instructions to Mr. Hole, and a copy of a letter addressed to the Political Agent at Aden.

In case you should wish to communicate with Mr. Hole in code he has taken the Bedford McNeill Code Book with him.

Bulawayo,
June 5, 1901.

SIR, The Administrator's Office, Bulawayo, June 4, 1901.

THE Mining Community is desirous of obtaining a further supply of Arab labour for working in the Mines, those engaged in December last having proved to be satisfactory labourers, and to be contented with their position.

Three Mines have applied for labourers of this class, the total number immediately required being 1,000.

At a Meeting of the Labour Board, at which I was present, it was urged upon the Administration that it would be desirable that a senior Government Official should be sent to Aden to supervise the collection and despatch of labourers by the Board's Agent, and to endeavour to arrange, with the concurrence and assistance of the Officer of the Indian Government stationed at Aden, for regular periodical supplies in the future. To this suggestion I agreed and I desire you to proceed to Aden for these purposes.

You are fully acquainted with the requirements of the Mines, the system of working, and the conditions under which labourers are employed in this country.

At my suggestion the Labour Board has drawn up a form of contract to be signed by or on behalf of every labourer engaged, and the Imperial Government has been asked to allow the contracts to be registered by the Indian Officer at Aden, and that he may be permitted to render such other assistance as may be required.

It will be seen that the form of contract defines the ration to be issued, the rate of pay, and provides for the return of the labourer to his own country should he not be willing to re-engage at the termination of his period of service.

I have stipulated that proper accommodation shall be provided at the Mines in which these labourers will be employed, and this has been guaranteed by the Mining Companies concerned.

It is left to you to decide for how long you will remain at Aden, but in any case it will be advisable that you should not leave until the whole of the labourers now required have been despatched.

All contracts and agreements entered into by the Agent of the Board are to be subject to your approval, and the Agent will carry out any instructions you may give him. You should satisfy yourself that the labourers clearly understand the conditions upon which they are engaged and that they are willing to enter into contracts.

It is of the first importance that the labourers should be carefully selected, as the partial failure of the previous undertaking was principally due to want of care in this respect.

The Labour Board proposes that one or two of the Arabs now at the Surprise Mine should accompany the Board's Agent to Aden, and these men will also be under your orders.

The Administration has undertaken to deliver these labourers at the Mines at a cost of £6 per head, including the Agent's salary and fees. The Railway charges from

Beira to Marandellas (at which the gangs will be met by representatives of the Mines concerned) will be 5s. a head, and it is hoped that the total cost will not exceed the sum fixed. The enclosed memorandum, which was prepared by the Labour Board upon the supposition that this work was to be performed by their own Officer will serve as a guide to you in carrying out your mission.

Arrangements have been made for supplying you with funds through the Bank at Aden, for the expenditure of which you will be solely responsible, and will account.

You are authorised to take such steps as are in your discretion to secure the success of your mission, but you can, if you think it necessary, refer to me by cable for further instructions.

From the date of leaving Bulawayo until date of return, exclusive of the time spent on board ship, you will receive an allowance of £2 2s. 0d. per diem for subsistence, and all transport expenses will be paid.

I have, &c.,
W. H. MILTON,
Administrator.

H. Marshall Hole, Esquire,
Bulawayo.

DRAFT of INSTRUCTIONS to be given to Board's Manager in connection with importation of Arabs.

DEAR SIR,

This Branch of the Board has resolved, and the Salisbury Branch has agreed, that the proposed importation of 1,000 Arabs from North East Africa shall be entrusted to you.

This Branch of the Board accepts the responsibility of the undertaking upon the clear understanding that all instructions for your guidance shall be given by them, and that all communications and reports you may make shall be made direct to the Bulawayo Branch. To these conditions His Honour the Administrator and the Salisbury Branch have agreed.

With regard to your instructions they are as follows:—

1. You will be in charge of the expedition.

2. Mr. Kusel will accompany you, and his actions will be subject to your approval.

3. Without the approval of the Bulawayo Branch you are not to enter into any permanent arrangements, nor to pledge the credit of the Board in any way.

4. You will be responsible for all disbursements, and when requested by the Board will furnish full reports and statements of expenditure, and also your views on the possibilities of further recruiting on a very large scale.

5. You will also report on the best and most expeditious shipping facilities, bearing in mind that expenses in this direction must be as low as possible.

6. You will also suggest those firms who may be appointed as agents for collecting natives in the future, and the terms they require.

7. You will take special care with regard to the registration of the natives with the Officer Commanding at Aden.

Their embarkation at that point.

Their feeding on the voyage.

Their reception at Beira, and entrainment there for Rhodesia

8. Sufficient food should accompany the natives to last them until their arrival at their respective destinations.

9. Steps should be taken to obviate any delay at either Beira or the point where the natives will be detrained. If possible arrangements should be made with the

Contractors of the Railway (Salisbury-Gwelo Line) to take them from Salisbury as far as possible.

10. The natives (300) for the Beatrice Mine would detrain at Marandellas, and turn off at Rocky Spruit; those for the Globe and Phoenix would also detrain at Marandellas and turn off at Charter.

11. Great care should be exercised in splitting up the gangs for the different mines to suit the natives themselves, and a proper proportion of interpreters (not less than 1 in 50) should accompany each gang.

12. No wagon transport should be employed, each native should carry his own kit and rations, cooking pots, &c., to be carried by parties of 4 taking their turn. A day's trek should not exceed 25 miles.

13. Each native before leaving must be handed a contract of service as per form herewith, contents of this document should be carefully explained to the men.

14. The contract of service must be ratified in the presence of a Magistrate or duly authorised Official as soon as possible after the arrival of the natives in Southern Rhodesia.

15. The first gang sent down to be accompanied by yourself, and a capable man who could be employed in future operations. Kusel would bring down the second gang.

16. Each of the Companies, viz., the Beatrice, the Surprise, and the Globe and Phoenix will send a man to the point where the natives are detrained to act as a guide to their destination.

17. The Government should be asked to procure 1,000 regulation military blankets which should be distributed to the men on their being entrained at Beira.

18. You should before registering the natives recruited reject any natives you may consider medically or physically unfit.

19. You should cable on your arrival at Aden, and also advise departure of natives when shipped, and probable date of arrival at Beira, in order that all arrangements at that Port and the Mines may be made.

20. One or two natives from the Surprise Mine, to be selected by Kusel, should be taken with you to bear personal testimony to the treatment they have received and nature of the work they are engaged on.

Finally the Board wishes you to treat Kusel as a colleague, whose practical knowledge acquired from 12 years' residence in the country from which it is proposed to import the natives and also his two recent visits should be of great assistance. With this in mind there should be no interference or alteration in Kusel's methods of recruiting. He should also make the necessary arrangements for camps, &c., on shore.

SIR, The Administrator's Office, Bulawayo, June 4, 1901.

THIS letter will be presented to you by Mr. Hugh Marshall Hole, my Secretary in Matabeleland, who proceeds to Aden on a mission, the details of which he will personally convey to you.

Briefly, I may state that for some years past the difficulty in getting labour for the mines in Southern Rhodesia has been growing more and more acute, and it is now generally realised that the indigenous native of this Territory cannot be relied upon to supply the demand, and that unless good mining labourers can be procured from outside sources, the future of the mining industry must be very seriously prejudiced.

Towards the end of last year an Agent of the Local Labour Board was despatched to North East Africa with the object of obtaining an experimental gang of Abyssinian

labourers, but owing chiefly to the fact that he engaged natives of different tribes and religions, and to a subsequent lack of organization in the matter of food supplies, and arrangements for reception and transport of these natives, his mission was attended with very small success. The experiment, however, was to this extent valuable in that, of the small number of natives (about 250 in all) who actually reached and worked on the mines in this country, it was found that the Arabs were efficient and useful labourers, and representations have been made to me that it is desirable to repeat the experiment under more carefully organized conditions, restricting the importation to Arabs only.

To guard against any similar failure on this occasion, Mr. Rhodes and I have decided that the expedition shall be conducted under the supervision of a Senior Official of the Civil Service of Rhodesia, who will be personally responsible for every step taken. With this object we have selected Mr. Hole as a gentleman who is thoroughly conversant with the requirements of the Mines in the matter of labour, and who, we feel confident, will allow nothing to be done which might be prejudicial to the interests of your Government, or the native labourers themselves.

Mr. Hole will be accompanied by Mr. Kusel, the German who proceeded as Agent to North East Africa on a former occasion, and who possesses an intimate knowledge of the localities inhabited by the Arabs whom it is desired to import, but Mr. Kusel will be entirely subordinate to Mr. Hole, and will be allowed to take no steps without the latter's sanction. Two selected interpreters will also accompany the party. These are labourers from the first batch, who will be able to explain to their compatriots the conditions under which labourers work at the Mines in Southern Rhodesia.

My desire in writing this letter is to solicit your friendly assistance to Mr. Hole, as representing this Government, in carrying out the object of the mission, upon the success of which I can assure, interests of great importance to our staple industry depend.

Before this letter is presented to you, you will, I trust, have received some communication from His Majesty's Secretary of State for India, with whom my London Board of Directors is at present in communication.

Mr. Hole naturally possesses no intimate knowledge of the localities he is to visit, and I would ask you to be so good as to allow him to refer to yourself for advice in the selection of trustworthy firms and agents with whom to carry on his negotiations, and generally in all matters in which he may feel unable to act unaided.

I have to thank you in anticipation for any good services you may find it in your power to render, and to assure you that such will be highly appreciated and valued by this Government.

I have, &c.,
W. H. MILTON,
Administrator of Southern Rhodesia.

The Political Agent,
Aden.

No. 21.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

[*Answered by No.* 22.]

SIR, Downing Street, August 10, 1901.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 7th instant,* stating that the Directors of the British South Africa Company understand that their proposals for recruiting labour in the Yemen Province are inopportune at present, and asking that facilities may be obtained for Mr. Marshall Hole to obtain as many labourers as he can at Aden.

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* Not printed.

Mr. Chamberlain understands that it is the intention of the Administration of Southern Rhodesia to develop the immigration of oversea labourers as far as possible. The position of the Protector of Immigrants under the new Ordinance will, therefore, be one of considerable responsibility, and, with a view to enabling him adequately to fulfil his duties, Mr. Chamberlain considers that this officer and his subordinates should be placed in the same relation to the Administration as are the officers of the Native Department under the Southern Rhodesia Order in Council, and that the Protector himself should be directly appointed by the Secretary of State.

I am to inquire whether the Administration will be prepared to secure the enactment of the necessary amending legislation at the earliest opportunity.

I am, &c.,
M. F. OMMANNEY.

No. 22.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received August 21, 1901.)

[*Answered by No.* 24.]

SIR, 15, St. Swithin's Lane, London, E.C., August 21, 1901.

I AM directed to acknowledge receipt of your letter of the 10th instant,* making certain suggestions as to the mode of appointment of the Protector of Immigrants for Southern Rhodesia, and of the Officers of his Department, and enquiring whether the Administration will be prepared to secure the enactment of the necessary amending legislation at the earliest opportunity.

In reply I am to say that the Board accepts Mr. Chamberlain's suggestion that the Protector of Immigrants and his subordinates should be placed in the same relation to the Administration as are the Officers of the Native Department under the Southern Rhodesia Order in Council, and will undertake to secure the enactment of the necessary amending legislation at the earliest opportunity. I am, however, to point out that none of the Officers of the Native Department are directly appointed by the Secretary of State, and to say that the Board understands the proposal to be that the Protector of Immigrants should be appointed in the same manner as the Secretary for Native Affairs under Section 79 sub-section 1 of the Order in Council.

I am, &c.,
J. F. JONES,
Secretary.

No. 23.

MR. CHAMBERLAIN to HIGH COMMISSIONER LORD MILNER.

[*Answered by Nos.* 25 *and* 34.]

(Extract.)

Downing Street, August 24, 1901.

I HAVE the honour to acknowledge the receipt of your despatch of the 19th of April, and of Lord Kitchener's despatch of the 31st of May,† enclosing copies of reports from the Resident Commissioner in Southern Rhodesia respecting the system of recruiting native labour in that country.

I enclose a draft of a letter‡ which I propose to address to the British South Africa Company on the subject. As the last three paragraphs of this draft commit His Majesty's Government to certain principles in regard to the supply of native labour in British South Africa generally, I shall be glad to know that you concur in its terms, and, if not, what alterations you would suggest. In the former case I beg that you will let me know by telegraph, so that the letter may not be delayed longer than is necessary.

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* No. 21. † Nos. 13 and 18. ‡ See No. 26.

No. 24.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, August 28, 1901.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 21st instant,* with regard to the position of the Protector of Immigrants to be appointed in Southern Rhodesia.

I am to request you to inform the Directors that Mr. Chamberlain's proposal was that the Protector of Immigrants should be appointed directly by the Secretary of State, as he considers that, in view of the responsibility to other British and possibly to foreign Administrations which will be assumed by His Majesty's Government in permitting the importation of over sea labour into Southern Rhodesia, the most satisfactory method of dealing with any questions that may arise will be to have an officer under the direct control of the Imperial Government in Rhodesia, specially charged with the protection of such immigrants.

I am, &c.,
M. F. OMMANNEY.

No. 25.

HIGH COMMISSIONER LORD MILNER to MR. CHAMBERLAIN.

(Received 7.15 p.m., September 25, 1901.)

TELEGRAM.

25th September. No. 391. Your despatch, 24th August,† I concur in three last paragraphs of letter to British South Africa Company. Despatch follows by mail.

No. 26.

COLONIAL OFFICE to the BRITISH SOUTH AFRICA COMPANY.

[*Answered by No.* 29.]

SIR, Downing Street, October 3, 1901.

I AM directed by Mr. Secretary Chamberlain to request you to inform the Directors of the British South Africa Company that he has now received reports from the Resident Commissioner in Southern Rhodesia on the subject of the recruiting of native labour for the mines in that country, which he called for at the date of the letter from this Department of the 23rd of December, 1899.

2. The first of these reports is dated April, 1900, and has been delayed in transmission owing to the war, but the second report brings Sir M. Clarke's observations down to May of the current year.

I am to enclose copies of these reports and to request the special attention of your Directors to the following passages in that of April, 1900 :—

Resident Commissioner, 4th April, 1900.

3. "They" (the natives of Rhodesia) "work in the mines either from direct pressure brought to bear on them by the Administration, a pressure only short of force, or the necessity of earning enough to pay their taxes. This naturally does not tend to make industry attractive, and the duties of the Native Commissioners to induce the native to work and afterwards to collect taxes from wages unwillingly earned makes their positions difficult and detracts from their influence."

Resident Commissioner, May 8, 1901.

4. "In Mashonaland the Native Commissioners are the sole recruiting, and in many cases the distributing, agents, and in both provinces they are alike required to use their utmost endeavours to induce the natives to work and to meet the demands of the various mines."

5. "Mines which have earned a good name complain far less of the want and incompetence of hands than those which have the reputation of treating their people

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* No. 22. † No. 23.

unjustly, harshly, or inconsiderately, and whose supply depends on natives sent them by Native Commissioners and labour agents. Natives so sent naturally think that in case of ill-treatment it is better to desert than to apply for redress to the official who has placed them."

6. "At present there is undoubtedly discontent amongst the natives. This is due primarily to the constant pressure exercised by the Administration, and to the often arbitrary and illegal methods adopted by native messengers in collecting taxes and requisitioning labour. The present system of recruiting is open to the objections that it is unduly coercive, that the Administration takes an active part in it, and is unable to afford adequate protection to the labourers."

7. That the state of affairs has not altered Mr. Chamberlain gathers from Sir M. Clarke's report of May, 1901, in which he says that "practically the recruiting of native labour within Rhodesia continues to be directed by the Chief Native Commissioners of Mashonaland and Matabeleland. In Matabeleland labour agents are employed; these were introduced to the natives by the Chief Native Commissioner. In Mashonaland Native Commissioners continue to recruit, and in some instances distribute, the labour."

8. Mr. Chamberlain desires to point out to your Directors that the object of the clauses in the Southern Rhodesia Order in Council dealing with the Native Commissioners was to secure the protection of the interests of the natives and to enable them to look to these officers for the redress of any wrongs they might suffer at the hands of mining companies and others; and that if this object is virtually defeated in the manner described and the peace of the country thereby endangered, it will be necessary to amend the Order in Council and provide (at the expense of the Rhodesian revenues), for the appointment of officers dealing with native officers who shall be directly responsible to the High Commissioner.

9. In the case of the organised importation of labourers from oversea, it is generally found necessary that the Government of the country requiring the labour should be directly responsible to other administrations for the recruiting and distribution of the labourers, and there could not in this case be any serious danger to the peace of the country arising from instances of unjust or harsh treatment of the labourer by the employer.

10. In the case of the supply of native labour from within, the conditions are different. The labourer cannot dissociate those who have taken part in obtaining his labour from any ill-treatment he may receive. In the present case of Southern Rhodesia he imagines that it is useless to appeal for redress to those whom he ought to regard as his natural protectors. Ill-treatment by employers may easily result in widespread discontent among the native population generally.

11. It is for the British South Africa Company to consider what steps should be taken to provide labour from within Southern Rhodesia not open to the above-mentioned objections; but Mr. Chamberlain would suggest that the proper system for dealing with indigenous labour is for the actual recruiting and distribution of the labourers to be carried out by an unofficial association acting through licensed agents, while the Government, through its own officers, confines itself to what is necessary for the protection of the labourer, *e.g.*, ensuring that the contract entered into by the native is regular, contains no false representation, and is understood by the native, and that proper treatment is given to the native both before and after he is handed over to the actual employer.

I am, &c.,
H. BERTRAM COX.

No. 27.

High Commissioner LORD MILNER to Mr. CHAMBERLAIN.

(Received 9.20 a.m., October 9, 1901.)

Telegram.

[*Answered by No.* 31.]

October 8. No. 406. Immigration Ordinance passed Legislative Council with some amendments. British South Africa Company can no doubt furnish you with

a copy in its final shape. Resident Commissioner recommends its acceptance, but there are several points in which it varies from lines laid down by you.

(1) Administrator appoints and removes Protector;

(2) Administrator appoints and removes officials without necessity of approval by High Commissioner or Secretary of State;

(3) Licences for recruiting to be issued to private contractors;

(4) Chinese labour may be introduced by notice of Administrator and Executive Council.

There seem two alternatives; either to reject Ordinance and issue High Commissioner's Proclamation enacting it with amendments necessary, or to approve Ordinance on Company giving understanding to submit appointments and removals for approval and not to issue licences to private contractors or introduce Chinese labour without previous sanction. If former course is adopted I am inclined to think Proclamation should be for a limited time only, until legislation can be passed in the ordinary course. I should like to have your decision as soon as possible, as I understand recruiting is going on at Aden, and labourers may begin to arrive in a month's time, and meanwhile there is no legislation governing the subject. See enclosure in your despatch of 23rd August* on this point. If you think it necessary that Protector of Immigrants should be an Imperial official, I think he should be either the Resident Commissioner, who, of course, would have to perform duties by deputy, or directly subordinate and responsible to Resident Commissioner.

No. 28.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, October 10, 1901.

I AM directed by Mr. Secretary Chamberlain to state that the High Commissioner for South Africa has informed him by telegraph† that he has now before him the Ordinance passed at the recent sitting of the Legislative Council of Southern Rhodesia to provide for the importation of oversea labour.

2. I am to inquire whether the Directors have as yet received the text of the Ordinance as passed by the Council, and to state that, if so, he would be obliged if he could be furnished with a copy.

I am, &c.,
H. BERTRAM COX.

No. 29.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received October 12, 1901.)

SIR, 15, St. Swithin's Lane, London, E.C., October 11, 1901.

I AM directed to acknowledge the receipt of your letter of the 3rd instant,‡ transmitting, for the information of the Board, two Reports from the Resident Commissioner of Southern Rhodesia on the subject of the recruiting of Native Labour for the Mines in that country, and making certain suggestions upon the same subject.

My Directors regret that having regard to the statements made in the Report of the 4th April, 1900, and to the serious importance of its conclusions, they have not been made acquainted earlier with the views held by Sir Marshal Clarke, which, so far as they are aware, have not previously been communicated to the Administration of Southern Rhodesia.

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* Not printed. † No. 27. ‡ No. 26.

The Board was not aware of the opinion expressed by the Resident Commissioner eighteen months ago as to the existence of discontent among the native population. In view, however, of the exemplary behaviour of the natives during the exceptionally trying period which has elapsed since the Report of the 4th April, 1900, was written, and of the fact that neither the later report of Sir Marshal Clarke of 8th May, 1901, nor the reports recently received from the Native Department refer to such discontent as existing to-day, my Directors submit that any fears which may have been entertained upon this point at a time of great anxiety, owing to the War in the Transvaal, are now groundless.

My Directors note with satisfaction that credit is given by the Resident Commissioner to the Administration for its consistent efforts in the interests of the Natives in the following passage of his Report of 4th April, 1900:—

> "Efforts seem to be consistently made by the Administration, supported by some of the best Mining Companies, to ameliorate the conditions of labour, to ensure regular pay, fair treatment, and due attention in cases of illness, but this is not the case with some of the Companies, and individual employers."

The Administrator has been requested to furnish, as soon as possible, a Report upon the subject, and meantime, in order that immediate effect may be given to the views of Mr. Chamberlain, I am to state that directions were sent by cable on the 7th instant to issue at once instructions to the Native Commissioners not to interfere in Labour questions, either directly or indirectly, but simply to continue to supervise the conduct of labour agents for Mining Companies, in order to see that the natives obtain fair conditions.

I am, &c.,
J. F. JONES,
Secretary.

No. 30.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received October 22, 1901.)

SIR, 15, St. Swithin's Lane, London, E.C., October 21, 1901.

I AM directed to refer to my letter of the 11th October, 1901,* and to previous correspondence upon the subject of the recruiting of Native Labour in Southern Rhodesia, and to transmit herewith for the information of the Secretary of State copy of a cable dated Salisbury, 15th instant, which has been received from the Administrator.

My Directors desire me to ask if Mr. Chamberlain, in view of the explanations given by Mr. Milton approves the course recommended by the Administrator with the concurrence of the Resident Commissioner, and will give his sanction to its adoption.

I am, &c.,
E. C. CLEGG,
Assistant Secretary.

Enclosure in No. 30.

ADMINISTRATOR, Salisbury, to THE BRITISH SOUTH AFRICA COMPANY, London.

(Received October 16, 1901.)

Cablegram.

(Very Urgent. I. 1635.)

Salisbury, October 15, 1901.

We refer to your telegram of 7th. I have discussed Native Labour question with Resident Commissioner. He states that what he considered to be direct and undue pressure on natives has been lessened, and considers that there should, under new arrangement (s) introduced, be no cause for complaint (s). He considers that in interests natives it is preferable that we should continue on the present lines rather

* No. 29.

than that independent Labour Agent should be employed. He, therefore, concurs in abolition Labour Board, and with my proposal(s) for dealing with Labour which he had forwarded to High Commissioner before receipt of your message. I will repeat most strongly instructions to Native Commissioners against using influence direct or indirect. Their duty is to inform Natives where labour is required, to register them, and guide them to destination, and see to their being treated fairly, and according to contract. In no case do they enter into contract (s) on behalf of any mines or person. We can confidently say that Natives show increasing tendency to regard Native Commissioners as their advisers, and to resort to them when seeking employment. The appointment (s) of Inspectors of Compounds have been of great value in causing improvement (s) in accommodation and general treatment at Mines where condition (s) have much improved. I trust that in view of Resident Commissioner concurrence present system may be allowed to continue as I feel sure it is best course in the interests of Natives. Resident Commissioner allows me to state that he concurs generally in substance of this message of which I have given him copy, and he will communicate with High Commissioner in this sense.

MILTON.

No. 31.

MR. CHAMBERLAIN to HIGH COMMISSIONER LORD MILNER.

(Sent 5.15 p.m., October 29, 1901.)

TELEGRAM.

[*Answered by No.* 33.]

October 29. No. 4. Referring to your telegram of 8th October, No. 406,* you should obtain formal undertaking from Administrator on following points:—

1. Protector to be appointed by Secretary of State on nomination of British South Africa Company, and to be removable at any time only by Secretary of State.

2. Officers of Immigration Department to be appointed like officials of Native Department, section 79.

3. Licences for recruiting not to be issued to private contractors but only to persons acting as agents of Administration and for whose conduct Administration is responsible.

4. No notice is to be issued under section 2 sub-section 1 without previous consent of High Commissioner and Secretary of State.

5. Assurance to be given that Ordinance will be amended in accordance with undertaking, and in light of experience in next session of Legislative Council.

When above points have been arranged you may assent to Ordinance. British South Africa Company have been informed of substance of my telegram. I do not consider that Resident Commissioner need be appointed Protector or made his superior officer if Protector is appointed and removed by Secretary of State.

No. 32.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

[*Answered by No.* 35.]

SIR, Downing Street, October 31, 1901.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 11th instant,† and to thank you for the copy of the Immigration Ordinance, 1901, which you enclosed.

2. This Ordinance as passed by the Legislature of Southern Rhodesia does not, of course, carry out the agreement between the Directors and the Secretary of State as

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* No. 27. † Not printed.

regards the conditions under which the recruiting of oversea labour is to be conducted. The High Commissioner has applied to Mr. Chamberlain for instructions as to the Ordinance, and has been informed that he should obtain from the Administration of Southern Rhodesia a formal undertaking that they will not avail themselves of the powers conferred by those provisions of the Ordinance which are not in accordance with the Agreement made with the Secretary of State, and that if when this has been done, he may assent to the Ordinance on the understanding that the Administration will take the earliest opportunity of amending it so as to bring it into accord with their undertaking, and shall introduce any amendments which the experience of the working of the scheme shows to be desirable.

3. The points on which the High Commissioner has been instructed to obtain a formal undertaking from the Administrator are as follows:—

(1.) That the Protector of Immigrants will be appointed by the Secretary of State on the nomination of the British South Africa Company and will be removable at any time only by the Secretary of State.

(2.) That officers of the Immigration Department other than the Protector will be appointed in the same manner and subject to the same conditions as officers of the Native Department under section 79 of the Southern Rhodesia Order in Council.

(3.) That the Administration will not issue licences to recruit labourers to private contractors, but only to persons who act as agents for the Administration, and for whose conduct the Administration will be responsible.

(4.) That no notice will be issued by the Administrator under section 2, subsection 1, without obtaining the previous consent of the High Commissioner and the Secretary of State.

4. Mr. Chamberlain will be glad to receive an assurance that your Directors concur in the terms of the proposed undertaking, and will instruct the Administrator accordingly.

I am, &c.,
H. BERTRAM COX.

No. 33.

HIGH COMMISSIONER LORD MILNER to MR. CHAMBERLAIN.

(Received 1.40 a.m., November 1, 1901.)

TELEGRAM.

October 31. No. 455. Your telegram of October 29, No. 4.* I am communicating with Administrator to obtain assurance required. I understand from your telegram that Protector though appointed and removed by Secretary of State will not be an Imperial Official and will report and be responsible to the Administrator, and not either to the Resident Commissioner or to me.

No. 34.

HIGH COMMISSIONER LORD MILNER to MR. CHAMBERLAIN.

(Received November 1, 1901.)

(Extract.)

High Commissioner's Office, Johannesburg,
October 4, 1901.

I HAVE the honour to acknowledge the receipt of your despatch of the 24th August,† enclosing a draft of a letter to the British South Africa Company on the

* No. 31. † No. 23.

subject of native labour for Southern Rhodesia. As you point out the last three paragraphs of that letter enunciate as a general principle, guiding the policy of His Majesty's Government in South Africa, that officers of the local governments should not take any part in the actual recruiting of native labour, but that the functions of Government should be confined to laying down the conditions under which natives may be engaged, and to taking such measures as may seem proper to enable them to secure redress for ill-treatment or breach of contract.

As I informed you in my telegram of the 25th September,* I concur in this principle. On receipt of your despatch, I consulted Sir Godfrey Lagden, whose opinion on such a question, owing to his great experience as a native administrator is naturally entitled to the highest respect. I enclose a copy of his reply which, as you will see, is quite in accordance with the principles laid down in your letter.

The question at present under discussion is not, as I understand the matter, whether there should be any compulsion on the natives to labour. I am wholly averse to the employment of Government officers as recruiting agents, although on this point I should probably have a great body of South African opinion against me. Theoretically, no doubt, it may be argued that the interests of the natives are best guarded if they are engaged to work directly by officials of the Government instead of by private contractors, who will probably try to bully or cheat them, and will to some extent succeed in spite of all remedies the law can devise. Practically, however, I think it will be found that this advantage is more than cancelled by the disadvantage which arises from using Government officials as agents for the supply of labour. There is an inevitable tendency for the officials so employed to be pressed by the wants of employers into using the influence and authority of the Government as a means for inducing a plentiful supply of labourers to come forward. No doubt private contractors would be on the whole less scrupulous and responsible, but if recruiting is left in the hands of private contractors, the native, when he thinks himself aggrieved, can go to an official for redress. If, on the other hand, it is officials who recruit, the native is rarely able to distinguish between the two functions of the Government. He may think himself aggrieved but he sees no person to appeal to except the very authority of which he wishes to complain. In the first case there may be more abuses, but there is also a controlling power to examine and relieve them. In the latter the abuses are fewer, but there is no outside check.

I think, therefore, that the Administration of Southern Rhodesia should be required to conform to the principle which His Majesty's Government has adopted as its own, and to leave the recruiting of native labour in the hands of a private association, as you suggest, confining its own direct action to supervision both of the contract and of the treatment of the labourer after he has contracted.

There is one other remark I should like to make, a remark occasioned by the opening words of the third paragraph of your draft letter to the British South Africa Company, in which you quote an extract from a report of Sir Marshal Clarke to the effect that the natives of Southern Rhodesia work in the mines either from direct pressure brought to bear on them by the Administration, pressure only short of force, or the necessity of earning enough to pay their taxes. As regards pressure on the part of the Administration, I am bound to say that, while I should strongly condemn any sort of physical compulsion, or the use of threats, as inconsistent with the declared policy of His Majesty's Government, to which I loyally adhere, I can see no objection to responsible officials, such as Native Commissioners, explaining to the natives under their charge, the advantage, and as far as the idea can be made comprehensible, the duty of labour of some sort. The black man is naturally inclined, much more than the white, to do nothing at all. As the economic compulsion which is found in European countries does not exist here, he will, if left to himself, generally live in absolute idleness, without adding in any way to the productive power of the country in which he lives. I cannot conceive that, under any except the most distorted code

* No. 25.

of morals, it can be thought right for us to encourage him in this attitude, or even not to dissuade him from it by all reasonable means.

I fully recognise the danger that, in a country like Southern Rhodesia, where the Government has a great and vital interest in pushing forward a particular industry, it may be too much inclined to overstep the mark of what is reasonable and permissible in this matter, but we can admit the danger, and do our best to guard against it, without rushing to the other extreme and suspecting everyone who tries to persuade the black man to work for his living.

Again, I cannot see that it is any particular hardship that the black population should find themselves compelled to work by the necessity of earning enough to pay their taxes. That necessity is not unknown in European countries, nor to the white population here. I think it will be found that the taxation, direct and indirect, which falls on the black population in Southern Rhodesia, and, indeed, in South Africa generally, is extremely light in proportion, either to the taxation of white men or to that part of the expenditure of the country which is necessitated by the existence of the black population, and should, therefore, properly be defrayed by them. If the blacks, like large classes of the population in Europe, were only able to keep body and soul together by continuous toil, I could understand and sympathise with the plea for lightening their taxation, even though they did not pay their mathematical share, but since, as a matter of fact, they can, and do, generally speaking, live comfortably while doing little or no work, and could earn very considerable sums over and above their cost of subsistence by working a very moderate amount, I do not see that either moral or economic considerations should lead us to think them entitled to more lenient treatment than the other inhabitants of the country.

Enclosure in No. 34.

Department of Native Affairs,
Johannesburg, September 24, 1901.

IMPERIAL SECRETARY,

YOUR Memorandum of September 22, 1901, on despatch from the Secretary of State, dated August 24th.

I think the principles laid down in the proposed letter to the British South Africa Company are sound.

The recruitment of Native Labour by Native Commissioners or other Officers of Government is, in my opinion, wrong. If the supply is badly wanted and Government Officers are urged in the matter, the tendency must be to put on the pressure which His Majesty's Government does not approve. If Government Officers have been the mediums of pressure, it is unfair to expect them to redress grievances arising out of their own acts, and embarrassing for them to deal with illegal or injudicious acts of others.

I consider that recruiting should be conducted by independent Labour Agents, who should be licensed and governed by Regulations. Native Commissioners are then in a position to facilitate their work by all reasonable means; and the natives would gain confidence if they regarded their Magistrate as uncompromised and free to deal with cases of misunderstanding or wrong treatment.

With regard to the extract of Sir M. Clarke's Report of April 4th, 1900, as to the natives working on account of "the necessity of earning enough to pay their taxes," I cannot see any hardship in that. All European races have to do it, and the native has uncommonly little to pay in taxes.

G. Y. LAGDEN.

No. 35.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received November 8, 1901.)

[*Answered by No.* 37.]

British South Africa Company, 15, St. Swithin's Lane,
London, E.C., November 7, 1901.

SIR,

I AM directed to acknowledge the receipt of your letter of the 31st ultimo, upon the subject of the Immigration Ordinance, 1901.

My Directors note the terms of the formal undertaking which the High Commissioner has been required to obtain from the Administration of Southern Rhodesia prior to his assent being given to the Ordinance, and I am to convey to you an assurance, as requested by Mr. Chamberlain, that they concur in the proposed terms, and will instruct the Administrator accordingly.

I am, however, to say that they give this assurance on the understanding that in relation to the Administration, the Protector of Immigrants will be in a position similar to that held by the Attorney-General, who, under Section 1 of the "Law Officers' Ordinance, 1899," is similarly appointed by the Secretary of State on the nomination of the Company.

I am, &c.,
J. F. JONES,
Secretary.

No. 36.

MR. CHAMBERLAIN to HIGH COMMISSIONER LORD MILNER.

(Sent 3.43 p.m., November 13, 1901.)

TELEGRAM.

November 13. No. 3. Referring to your telegram of 31st October, No. 455,† Protector will be officer of the Southern Rhodesia Administration, but it should be understood that copies of his reports will reach you through Resident Commissioner, whose duty it will be under section 12 sub-sections two and five, Southern Rhodesia Order in Council, to pay close attention to working of Protector's Department and keep you informed. British South Africa Company concurs in proposals contained in my telegram of 29th October, No. 4,‡ and will instruct Administrator accordingly. British South Africa Company propose that position of Protector shall be similar to that of Attorney-General under Law Officer Ordinance. I agree.

No. 37.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

Downing Street, November 15, 1901.

SIR,

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 7th instant,§ on the subject of the position of the Protector of Immigrants in Southern Rhodesia.

2. If the Protector is given a position similar to that occupied by the Attorney-General under the Law Officers Ordinance, the object of the arrangement which has been suggested will, in Mr. Chamberlain's opinion, be attained, and he is instructing the High Commissioner accordingly by telegraph.

I am, &c.,
FRED. GRAHAM.

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* No. 32. † No. 33. ‡ No. 31. § No. 35.

No. 38.

HIGH COMMISSIONER LORD MILNER to MR. CHAMBERLAIN.

(Received November 16, 1901.)

[*Answered by No.* 39.]

SIR, High Commissioner's Office, Johannesburg, October 24, 1901.

WITH reference to previous correspondence, I have the honour to transmit to you a copy of a despatch and telegram from the Resident Commissioner of Southern Rhodesia on the subject of the methods of recruiting Native Labour employed in that country.

I have, &c.,
MILNER,
High Commissioner.

Enclosure 1 in No. 38.

RESIDENT COMMISSIONER, Salisbury, to HIGH COMMISSIONER.

MY LORD, Salisbury, Rhodesia, September 30, 1901.

IN continuation of my despatch of the 8th May, 1901, I have the honour to inform Your Excellency that in the British South Africa Company's Gazette, of the 27th instant, it was notified that "The Labour Board, Southern Rhodesia, will be dissolved on the 30th September."

I send herewith a copy of the Minute submitted by the Administrator to the Executive Council, giving his reasons for this, also copies of Instructions addressed to the Chief Native Commissioners defining the duties of the Native Department in connection with the recruiting and distribution of local labour, these are practically unchanged.

It seems to me preferable for the Administration to acknowledge its complete responsibility in connection with the labour supply rather than as hitherto has been the case to nominally transfer the responsibility to a quasi independent Board entirely dependent for the success of its work on Government Officials.

In connection with Mr. Milton's proposal that the officer appointed Under-Secretary for Native Affairs should be also Protector of Immigrants, I would observe that though a common object aimed at by both Departments is to secure and maintain a satisfactory supply of labour for the mines, the position of foreign and native employees differ, besides diversity in habits, customs, race and religion, there is a marked contrast in the conditions under which they serve, the immigrants come to work for a definite time for money which they intend to take with them to their homes, they have no other interests past or future in the country.

Employers are debarred under heavy penalties by Immigration Ordinance, 1901 (now under the consideration of Your Excellency) from employing them otherwise than as unskilled labourers.

On the other hand local natives are here to stay, they spend in the country their earnings to meet the wants they are rapidly acquiring, and no hindrance ought to be placed in the way of their being entrusted with skilled work in accordance with their capacity; for these reasons I think the Department of the Secretary of Native Affairs should be kept quite distinct from that of the Protector of Immigrants. I expressed this opinion some time ago to Mr. Milton, and to-day received a note from him as follows:—

"My view is that at present we do not know what proportion this importation will assume; it will be better to deal with it by the existing establishments. Should the scheme be successful, and assume a permanent character it will doubtless be expedient to have a Protector who will devote his whole time to the work. The present importation is purely experimental and limited to 1,850 boys, who will be alloted to five mines and hardly, I consider, warrants the appointment of a separate officer and staff."

Mr. Milton requests me, if I write to Your Excellency on this subject, to submit the question for your decision.

I have, &c.,
M. CLARKE,
Resident Commissioner.

His Excellency
The High Commissioner,
Johannesburg.

COLLECTION AND DISTRIBUTION OF LOCAL LABOUR.

The statistics published by the two Labour Boards for the period ended 31st March last, show that although their expenditure has been large, the result has been small.

It appears that natives, to an increasing extent, prefer to seek work without any intervention, or to resort to Native Department officials to be registered and forwarded to works where labour is required.

One of the main objects of the establishment of these Boards was that there should be some organised body to deal with the importation of labour from other countries.

The Secretary of State has, however, made it a condition of assistance in arranging for such importation that it shall be undertaken by the Administration, and that it should be responsible for all steps taken in connection therewith.

It will, therefore, be necessary that a department should be created to deal with this matter, and I propose that it should be placed under the control of the Under-Secretary for Native Affairs, and that the officer appointed to that post should be also Protector of Immigrants.

Ex officio, he will be the Protector of Natives, and I consider that the management of internal labour should also be entrusted to him, and arranged through the offices of the Chief Native Commissioners of the two provinces.

It will be seen from the following statistics, which relate to Mashonaland only, those for Matabeleland not being so complete, that this really effects but a small change in the present system:—

Estimated adult male population		59,960
Natives seeking work direct	9,720	
Natives seeking work through Native Commissioner	18,709	
Natives engaged through Labour Board... ...	3,987	
		32,416

The only figures available for Matabeleland are:—

Estimated adult male population	25,348
Natives engaged through Labour Board in nine months	2,863

I propose to make it quite clear to Native Department officials that there is to be no change in their attitude and duties in respect of recruiting labour; that they are not in any way to act as agents or touts, nor to do anything more than has hitherto properly been done to induce natives to seek employment.

Their duties will be to register and guide natives seeking employment, and to do everything in their power to protect and safeguard the rights of natives. At present works obtaining labour through Native Commissioners pay a registration fee of 1s. per head per month for the period of the contract. I propose that this shall be raised to 2s., an amount which, I consider, should cover the cost thrown upon public funds. I have reason to believe that mines and others will be quite willing to pay this fee, which can be increased or decreased as required by circumstances. I propose that the registration shall be made as complete in details as possible, in order to give all information necessary for identification in case of desertion.

I have, in the past, been averse from undertaking the work of collecting and distributing labour, but, experience clearly shows that natives prefer to seek work through the Native Department, and that the costly efforts of the Labour Board have proved ineffectual to increase to any appreciable extent the supply of labour.

In regard to North-East and North-West Rhodesia, I propose to discuss with the Administrators of these Provinces, who will both be here during the present month, the best means of recruiting and forwarding labourers who may wish to obtain work in this territory.

I shall be glad to receive an expression of the views of the members of the Council upon this proposal, which I have ascertained meets with the entire approval of the two Chambers of Mines.

W. H. MILTON.

September 6, 1901.

SIR, Chief Secretary's Office, Salisbury, September 20, 1901.

I AM directed by His Honour the Administrator to inform you that from the first proximo, the Labour Board in both Provinces will cease to exist. This step is taken because experience shows that a very large proportion of the Natives seeking work do so direct or through Native Commissioners, and the Government wishes to encourage them to follow this practice.

Natives desiring employment should, unless they wish to go direct to any work, apply to the Native Commissioner or Assistant Native Commissioner, who will register them, and after providing for local requirements forward them to places where labour is required, making a uniform charge of 2s. per head per month for which Natives engage.

This rate will be subject to revision as soon as results can be tested. Natives should be sent to place of work under guidance of a reliable messenger where possible.

It is distinctly understood that Native Commissioners are not in any way to act as Labour Agents or to do anything more than has hitherto been done to induce natives to seek employment; their duty is to make requirements known to natives and to register and guide them. They will be expected at all times to safeguard the right of natives, but at the same time they must take all possible steps to assist in tracing deserters, and for this purpose such particulars as may be required for purposes of identification should be obtained when natives are registered.

Forms of application for labour should be drawn up and printed for circulation among Mining Companies through Chamber of Mines. A suggested specimen form is attached for your remarks.

I have, &c.,
A. B. RANKINE,
Under-Secretary.

APPLICATION FOR LABOURERS.

Name of Mine or Work:—Ophir, Selukwe.

The Chief Native Commissioner,
Salisbury or Bulawayo.

I BEG to report that . . . . labourers are required for service on this Mine in accordance with the following requisition, and I guarantee to carry out conditions of service and to pay the prescribed fees on demand:—

(Specimen.)

No. required.	Date required.	Nature of Work.	Period of Employment.	Minimum Rate of Wages.	Scale of Rations	Remarks.
100	1st December, 1901.	50 surface, 50 underground.	4 months.	15s. surface. 30s. underground.	3 lbs. meal per day, 1 lb. meat per week.	

Enclosure 2 in No. 38.

RESIDENT COMMISSIONER, Salisbury, to HIGH COMMISSIONER

TELEGRAM.

October 17. Referring to Your Excellency's telegram of 9th inst., I am requested by the Administrator to telegraph to you the main points of a message sent by him to the Board of Directors, London:—

Begins: I have discussed Native Labour question with Resident Commissioner. He states that what he considers to be direct and undue pressure on Natives has been lessened, and considers that there should, under new arrangements introduced, be no cause for complaint.

2. He considers that in interests of Natives it is preferable that we should continue on present lines rather than that independent Labour Agents should be employed. He, therefore, concurs in abolition of Labour Board, and with my proposals for dealing with Labour which he had forwarded to High Commissioner before receipt of your message.

3. I will repeat most strongly instructions to Native Commissioners against using influence direct or indirect. Their duties are to inform Natives where labour is required, to register them, and guide them to destination, and see to their being treated fairly and according to contracts.

In no case do they enter into contracts on behalf of any Mine or person.

4. I can confidently say that Natives show increasing tendency to regard Native Commissioners as their advisers and to resort to them when seeking employment.

5. The appointment of Inspectors of Compound has been of value in causing improvement in accommodation and general treatment at Mines where conditions improved. *Ends.*

I think that proposed way of dealing with Native Labour and the instructions drafted by Administrator to Native Commissioners ought to prevent undue pressure being exercised to induce Natives to work.

No. 39.

MR. CHAMBERLAIN to HIGH COMMISSIONER LORD MILNER.

(Sent 6.30 p.m., November 20, 1901.)

TELEGRAM.

[*Answered by No.* 41.]

(Extract.)

November 20. No. 3. Your despatch of 24th October.* Am I to understand that Clarke is prepared to recommend the system now proposed by the Administration? In view of the first four paragraphs of your despatch, 4th October,† it would be impossible to approve this without the most definite explanations and assurances.

Is Clarke prepared to say that his charges against the Native Commissioners quoted in my letter to British South Africa Company enclosed in my despatch of 24 August‡ are no longer applicable? If so, can the attitude and duties of the officials with regard to recruiting be strictly confined to informing natives where labour is required, registering applicants for employment and guiding them to the destination they may select?

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* No. 38. † No. 34. ‡ No. 23.

No. 40.

HIGH COMMISSIONER to MR. CHAMBERLAIN.

(Received November 23, 1901.)

SIR, High Commissioner's Office, Johannesburg, November 1, 1901.

IN the absence and by direction of the High Commissioner, and with reference to the High Commissioner's despatch of the 24th of October,* I have the honour to enclose, for your information, a copy of a despatch from the Resident Commissioner, Salisbury, on the subject of the duties of Native Commissioners in connection with the recruiting of labour in Southern Rhodesia.

I have, &c.,
F. PERRY.

Enclosure in No. 40.

From RESIDENT COMMISSIONER, Salisbury, to HIGH COMMISSIONER.

MY LORD, Salisbury, Rhodesia, October 18, 1901.

IN compliance with the instructions of the Secretary of State, conveyed in Your Excellency's telegram, No. 6, of the 9th instant, I showed the Administrator my despatches of the 4th April, 1900, and 8th May, 1901, respecting native labour; after discussion he submitted a telegram he proposed sending to the Board of Directors, London, a copy of which I enclose, together with a copy of instructions to the Chief Native Commissioners. I concur generally in the terms of the telegram.

In my despatch to Your Excellency, No. 135, of the 30th September last, I stated that the instructions to Native Commissioners, which were appended to my despatch, left the duties of these officials in connection with the recruiting of native labour practically unchanged, the instructions now issued definitely forbid Native Commissioners to induce or cause natives to seek work and if loyally complied with will remove the objection I raised in my despatch, No. 18, of the 4th April, 1900, to, what seemed to me, the undue exercise of direct influence by these officials in complying with requisitions for native labour.

I have, &c.,
M. CLARKE,
Resident Commissioner.

His Excellency
The High Commissioner,
Johannesburg.

From ADMINISTRATOR, Salisbury, to BOARD OF DIRECTORS, London.

TELEGRAM.

16th October, 1901. We refer to your telegram of 7th. I have discussed native labour question with the Resident Commissioner. He states that what he considered to be direct and undue pressure on natives has been lessened, and considers that there should, under new arrangements introduced, be no cause for complaint.

2. He considers that in interests natives it is preferable that we should continue on present lines rather than that independent labour agents should be employed. He therefore concurs in abolition Labour Board, and with my proposals for dealing with labour, which he had forwarded to High Commissioner before receipt of your message.

3. I will repeat most strongly instructions to Native Commissioners against using influence, direct or indirect. Their duties are to inform natives where labour is required, to register them, and guide them to destination, and see to their being treated fairly and according to contracts. In no case do they enter into contracts on behalf of any mine or person.

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* No. 38.

4. I can confidently say that natives show increasing tendency to regard Native Commissioners as their advisers, and to resort to them when seeking employment.

5. The appointment of Inspectors of Compounds has been of value in causing improvements in accommodation and general treatment at mines where conditions have much improved.

6. I trust that in view of Resident Commissioner's concurrence present system may be allowed to continue, as I feel sure it is best course in the interests of natives.

7. Resident Commissioner allows me to state that he concurs generally in substance of this message, of which I have given him copy, and he will communicate with High Commissioner in this sense.

SIR, Chief Secretary's Office, Salisbury, October 16, 1901.

REFERRING to my letter, No. 3083/142, of the 20th September, containing instructions in regard to the abolition of the Labour Board and the duties to be performed by Native Commissioners in connection with the native labour supply, I am directed by His Honour the Administrator to inform you that a circular should be at once sent to each Native Commissioner, stating that it is an instruction which must be observed to the letter that no influence, either direct or indirect, may be used to induce or cause natives to seek work.

The duties of Native Commissioners, which are not in the slightest particulars to be exceeded, are simply to register natives offering for work and guide them to places where labour is required, and to assist natives in obtaining fair treatment and observance of contracts.

It must be repeated that Native Commissioners are under no circumstances to enter into any contracts or to interest themselves on behalf of any employer.

His Honour desires me to add that any contravention of the terms of this instruction will be regarded as a serious offence, and dealt with accordingly.

I have, &c.,
ANDREW B. RANKINE,
Under Secretary.

The Chief Native Commissioner,
Salisbury.

No. 41.

HIGH COMMISSIONER LORD MILNER to MR. CHAMBERLAIN.

(Received 10.25 a.m., November 27, 1901.)

TELEGRAM.

November 26. No. 516. Your telegram of 20th November, No. 3,* Clarke does advocate the present proposals of the Administration, therefore it is evident that he is satisfied that they provide adequate safeguards against the Native Commissioners abusing their power in the way of which he formerly complained. I think the attitude and duties of Native Commissioner with regard to recruiting can be restricted as suggested by you. See most recent circular to Native Commissioners, dated 16th October enclosed in my despatch, 1st November.† This seems to meet the case. I cannot communicate with Clarke, who has left for England. You will doubtless discuss matter with him personally. Meanwhile, as Labour Boards have been abolished, and there is no system, Administrator has asked for permission to act on proposals as contained in enclosures to my despatches of 24 October and 1 November,‡ and I have authorized him to do so pending final decision on the whole question.

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* No. 39. † No. 40. ‡ Nos. 38 and 40.

No. 42.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received December 2, 1901.)

[*Answered by No.* 45.]

SIR, 15, St. Swithin's Lane, London, E.C., November 29, 1901.

I AM directed to refer to my letter of the 21st ultimo,* enclosing a copy of a cable from the Administrator of Rhodesia, and asking that the Secretary of State might be pleased to approve of the course recommended by the Administrator with the approval of the Resident Commissioner, upon the subject of the recruiting of native labour in Southern Rhodesia.

My Directors desire me to forward to you, for the information of the Secretary of State, a copy of a further cable dated the 28th instant, which has been received from the Administrator, and to state that they assume that, in view of the authority given by the High Commissioner, Mr. Chamberlain will have no objection to the Administrator acting in the manner suggested in this cable.

I am to add that my Board, unless they hear from you to the contrary, propose to cable immediately to the Administrator authorising him to act in the manner approved by the High Commissioner.

I am, &c.,
J. F. JONES,
Secretary.

Enclosure in No. 42.

ADMINISTRATOR, Salisbury, to the BRITISH SOUTH AFRICA COMPANY, London.

CABLEGRAM.

Salisbury, November 28, 1901.

Pending decision Secretary of State regarding native labour High Commissioner has authorised me to act on proposal(s) contained in my memorandum 6th September, and Chief Secretary's instructions of 20th September and 16th October; under these Native Commissioners are empowered to intimate requirements to Natives but are forbidden to use influence.—MILTON.

No. 43.

HIGH COMMISSIONER LORD MILNER to MR. CHAMBERLAIN.

(Received November 30, 1901.)

[*Answered by No.* 49.]

SIR, High Commissioner's Office, Johannesburg, November 8, 1901.

I HAVE the honour to transmit to you one signed and three plain copies of the Masters and Servants Ordinance, which was passed by the Legislative Council of Southern Rhodesia during its recent Session, and to which I have assented.

I also enclose copies of reports by the Resident Commissioner and by the Administrator on the Ordinance.

I have, &c.,
MILNER,
High Commissioner.

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* No. 30.

Enclosure 1 in No. 43.

Ordinance No. 5, 1901.]

SOUTHERN RHODESIA.

An Ordinance to amend and consolidate the Laws relating to the rights and duties of Masters, Servants and Apprentices.

Preamble. Be it enacted by the Administrator of Southern Rhodesia with the advice and consent of the Legislative Council thereof, as follows :—

CHAPTER I.

OF THE CONTRACT OF SERVICE.

Written undertaking of service signed elsewhere than in S. Rhodesia to be in force.

1. A written undertaking to enter the service of any master within the limits of the Territory of Southern Rhodesia, and signed elsewhere than within such limits, shall be binding upon the person signing the same, and be of full force and effect in the Territory.

Duration of contracts.

2. Every contract of service shall, in the absence of proof to the contrary, be deemed to have been entered into for the period of one month from the commencement thereof. Contracts for service in any trade or manufacture, where it has not been agreed that the servant shall during the term of service reside on the premises of the master, shall be deemed to continue only until the evening of Saturday of the same week in which such service commenced.

Oral contracts and their duration.

3. No oral contract of service shall be valid and binding, unless such service commence within one month from the date of the contract, nor shall such contract continue for more than one year from the commencement thereof.

Duration of written contracts.

4. A written contract of service, whether made within or without the limits of this Territory, and a written undertaking, as mentioned in section 1 hereof, may be for any period not exceeding three years.

Execution of contracts by illiterate persons.

5. In case the person signing a contract or undertaking of service be illiterate and only able to affix a cross or mark in lieu of a signature, such contract or undertaking as the case may be, shall be executed before a Magistrate or any Justice of the Peace, if entered into within the limits of this Territory, and before a Magistrate, Justice of the Peace, or British Consul, if entered into beyond such limits.

Particulars to be inserted in contract.

6. No special form of a contract of service, or of a written undertaking as in the first section mentioned, is necessary, provided, however, that in each and every case such contract or undertaking shall contain the date thereof, the term for which the service is to last, and the rate of wages to be paid the servant, and may contain any other special conditions which the master and servant shall agree upon.

Determination of monthly and weekly contracts.

7. Where the service is a monthly one it shall not be put an end to except after a month's notice, calculated from and inclusive of the day of such notice, unless either party shall have good and lawful reason for sooner determining the contract, or unless it shall have been stipulated that no such notice shall be necessary. When the service is a weekly one a week's notice shall be necessary, subject to the provisions in this section already mentioned.

Notice.

8. If any such notice as in the preceding section mentioned shall have been given by either party, and the master shall suffer the servant to remain, or the servant shall continue in his service after the day on which, according to the notice, the service should expire, such notice shall be deemed to have been withdrawn and cancelled, and the contract of service shall continue as if no notice had been given, unless it shall otherwise have been agreed upon between the master and servant.

Residence on premises of master.

9. In every case where the servant is to reside on the premises of the master, the latter shall, unless otherwise stipulated, provide the servant, and such of the servant's family as shall have been included in the contract, with suitable lodging and sufficient food of good and wholesome quality.

10. If in any legal proceeding for the recovery of wages it does not clearly appear what rate of wages was agreed upon, the Court shall fix the rate of wages at that usually paid for the kind of service rendered.

Rate of wages when not agreed upon.

11. (1) If any servant shall, in consequence of sickness or accident, which shall not have been occasioned by his own fault, become temporarily incapacitated, he shall, unless otherwise provided by the contract of service, be entitled to receive his wages for the first month of such incapacity, and every other benefit, whether for himself or his family, stipulated in the contract of service. If at the expiration of the second month the incapacity of the servant still continues the master shall be entitled to terminate the contract of service, upon performance, however, by him of all stipulations, if any, mentioned in such contract, up to and inclusive of the day on which he shall declare the contract of service to be terminated, but the servant shall not be entitled to wages for such second month.

Incapacitation of servant through sickness or accident.

(2) Should the master not think fit, on the expiration of the two months aforesaid, to terminate the contract of service, the servant shall not, during the continuance of the aforesaid incapacity, be entitled to claim any further wages or any other benefit stipulated for in the contract, except such food and lodging as the master shall have agreed or be bound to provide for him and any member of his family.

(3) In case of a servant, hired to perform service in any trade or manufacture, becoming incapacitated as aforesaid, he shall not be entitled to any wages whatever, but only to such food and lodging as aforesaid, and the master shall, in the event of the incapacity continuing, be at liberty, under the same conditions as in this section above stated, to determine the contract of service on the expiration of one month from the commencement of such incapacity.

Contracts of married women.

12. All contracts of service, stipulating for the service of a married woman, shall be made and executed by her as well as by her husband, except where she is living apart from her husband, in which case her signature or consent alone shall suffice.

Contracts of children under 16 years.

13. A father, or, in the event of his death or absence, a mother or guardian may contract for the service of any child under the age of sixteen years, and, if the contract be in writing, the name and age of the child shall be stated therein. Provided, however, that no master shall have any claim to the services of any such child after he shall have attained the age of sixteen years, unless the child consent thereto.

Termination of contract upon death of person, who with his wife is under contract of service.

14. On the death of any person being at the time together with his wife and children, if any, under contract of service, the contract shall be voidable at the election of the master or wife of the deceased, upon giving a month's notice to that effect.

Residence of wife and children on premises of master.

15. Where it is stipulated that the servant shall reside on the premises of the master, he shall not be entitled to keep his wife and children, if any, on such premises, unless the master shall have consented thereto, in which case the latter shall not be entitled to claim the service of such wife or children by reason merely of their residence on such premises.

Provisions in case of public commotion or invasion.

16. When, in time of public commotion or invasion of the Territory, the Administrator shall deem it necessary to call out any of the inhabitants of the Territory for the defence thereof, under the Act No. 7, 1878 of the Colony of the Cape of Good Hope or any other law, every servant, acting under contract as an agricultural labourer or herdsman for any period not less than one month, to any master residing in any district or division the inhabitants whereof have been so called out, shall, if the period of service should expire during the continuance of such commotion or invasion, be nevertheless bound to continue in his service on the same terms until the cessation of such commotion or invasion, or until the services of the inhabitants of such district or division shall be dispensed with.

If any servant as aforesaid shall at any time be called out for the like defensive purpose, the master shall be bound during the absence of the servant on such duty, to permit the family and property of such servant to remain upon his premises, and to provide for the same, in like manner as he would have been bound to do by the contract of service, if the servant had not been so called out.

CHAPTER II.

OF APPRENTICESHIP.

Contracts of apprenticeship to be written and signed.

1. Every contract of apprenticeship shall be reduced to writing, signed with the name, or in the case of illiterate persons, with the mark of the master, and parent or guardian as the case may be, of the apprentice, and also of the apprentice himself, if above the age of sixteen years.

Apprenticeship of children under 16 years.

2. Children not being in a state of destitution, and being under the age of sixteen years, may be apprenticed by their fathers, mothers, or guardians as the case may be, until they shall have attained their eighteenth year. Every contract of apprenticeship shall be executed before the Magistrate or Special Justice of the Peace of the district, who shall satisfy himself that the apprenticeship is for the benefit of the child, and shall see that due provision is made in the contract for the maintenance and instruction of the apprentice.

Apprenticeship of children over 16 years.

3. A minor, if of the full age of sixteen years, may by his own consent be apprenticed for any term not exceeding five years to any trade requiring any peculiar art or skill, and if the minor be a female she may with her own consent be apprenticed to any trade as aforesaid, or to domestic service for a like period.

Magistrates and Special J.P.'s to be guardians of minors.

4. The Magistrates and Special Justices of the Peace shall, within their respective districts, be *ex officio* the guardians of all such minors as above mentioned, who have no parents or guardians within the Territory, or none discoverable. The Magistrates and Special Justices of the Peace may lawfully apprentice such minors.

Destitute children under 16 years.

5. Where any child under the age of sixteen years has been left in a state of destitution, the person with whom such child shall have been left or by whom he shall have been found shall with all convenient speed, under a penalty not exceeding Ten pounds sterling, give notice thereof to the nearest Magistrate or Special Justice of Peace.

Duties of Magistrates and Special J.P.'s in regard to destitute children.

6. The Magistrate or Special Justice of the Peace, upon receiving such notice as aforesaid, shall cause the child to be removed to some suitable place, and shall have the child properly maintained at the public cost until he shall have ascertained by due and proper enquiry whether such child have any relative fit and willing to maintain and take care of him. If he discover such relative or relatives he shall apprentice the child either to the sole relative or to the one who shall appear best suited in the interests of the child. If no such fit and willing relative be found he shall apprentice the child to some other suitable and proper person until the child shall have attained his eighteenth year.

Notification of apprenticeship.

7. Every Special Justice of the Peace, who has so apprenticed a child shall notify the circumstance to the Magistrate of the district. The Magistrate shall give notice in the *Government Gazette* of every apprenticeship entered into. If upon inquiry it shall appear that the child is not actually destitute, the Magistrate or Special Justice of the Peace, as the case may be, shall decline to act further in the case.

Duties of Magistrates and Special J.P.'s in regard to apprenticeship of destitute children.

8. The Magistrate or Special Justice of the Peace shall see that due provision is made for the maintenance and instruction of every destitute child in the contract of apprenticeship, and also that such wages as shall be deemed fair and reasonable are paid for the services of the child. The wages are to be deposited annually with the Magistrate or Special Justice of the Peace, who shall lodge the same on Government account, for the benefit of the apprentice. All wages so deposited shall be duly entered in a book to be kept for that purpose and a proper receipt given to the master for the same.

Form of contract of apprenticeship.

9. All contracts of apprenticeship shall as nearly as possible be in the form provided by the schedule to this Ordinance.

Duties, &c., of Magistrates and Special J.P.'s to devolve upon successors.

10. In case the Magistrate or Special Justice of the Peace shall die or otherwise cease to act as Magistrate or Special Justice of the Peace, all the rights and duties in any contract of apprenticeship devolving upon him shall devolve upon his successor in office.

Contracts to to be executed in triplicate.

11. Every contract of apprenticeship shall be executed in triplicate of which one shall be given to the master, one to the apprentice, and the third filed and registered in the office of the Magistrate, or Special Justice of the Peace.

12. No master shall assign or transfer a contract of apprenticeship without the consent of the Magistrate or Special Justice of the Peace under whose jurisdiction he resides. Such consent shall be manifested by written endorsement on the contract of apprenticeship in triplicate, and where the apprentice is of the age of sixteen years or upwards his consent to the assignment or transfer shall likewise be necessary and endorsed as aforesaid. Transfer of contract.

CHAPTER III.

OF THE DEATH, INSOLVENCY, AND CHANGE OF RESIDENCE OF THE MASTER, ETC.

1. Save as hereafter excepted, the death or insolvency of the master shall cause the contract of service to cease after one month from the date of death or insolvency, unless the contract shall have sooner determined. The servant shall be entitled to all the benefits of the contract of service up to the expiration of the said month, and shall be bound, if required, to perform service for the person legally representing the deceased or insolvent master in capacity as such. Contract to terminate after one month from death or insolvency of master.

2. The death, insolvency, or removal of the master as provided in the sixth section hereof, shall be a complete discharge of the contract of apprenticeship. If any sum of money shall have been paid by or on behalf of an apprentice, it shall be lawful for the magistrate or other competent Court to order any sum which shall seem reasonable and just to be returned to or for the use of the apprentice by the master or his legal representative. In estimating such sum regard shall be had to the amount originally paid and to the time during which the apprentice has been in service. Every apprentice shall, moreover, be entitled to his full wages or other remuneration which may have become due previous to or on the dissolution of the contract of apprenticeship. Discharge of contract of apprenticeship. Payment of wages and refund of money paid on behalf of apprentice.

3. Where the master of a destitute child apprenticed to him shall die or become insolvent, the Magistrate or Special Justice of the Peace shall, if such child is unable to support himself, retake the charge and care of him, and apprentice him again to some other fit and proper person. If the child be above the age of sixteen years his consent to such re-apprenticeship shall be necessary. Re-apprenticeship of destitute child.

4. The wife of a deceased master shall, if so disposed, be entitled to claim the service of any servant or apprentice during the stipulated time of service, in which case she shall be bound so perform all the stipulations of the contract which the said master would have been bound to perform. Wife of deceased master may claim services of servant or apprentice.

5. In case of a servant or apprentice dying during the term of service his heirs or legal representatives shall be entitled to claim the full wages and other remuneration due to the servant or apprentice up to his death. Heirs may claim wages due to deceased servant or apprentice.

6. No servant or apprentice shall be bound, in case the master removes his residence or place of trade or business to a distance more than four miles from the place in which such servant or apprentice had to perform his service, to continue to perform his service without his consent, or in the case of an apprentice under the age of sixteen years without the consent of his parents or guardians. Such consent shall be deemed to have been given if the servant or apprentice has for the period of one week performed his service at the place to which his master has removed, without any objection from such servant or apprentice or the parents or guardians of the apprentice. Contract may be terminated on removal of master to a distance of more than four miles.

7. A destitute child, who has been apprenticed, shall be bound in case of removal to follow and continue to serve his master in any place within the Territory, provided the Magistrate or Special Justice of the Peace of the district which the master is going to leave shall first have given his consent thereto, endorsed on the contract of apprenticeship in triplicate. The Magistrate shall thereupon forward the copy of the contract of apprenticeship so endorsed to the Magistrate of the district into which the master is removing, to be by him filed and registered in the manner hereinbefore provided ; whereupon the Magistrate in such latter District shall have the same rights and duties as if he had himself apprenticed such destitute child. Apprenticeship of destitute child not terminated by removal of master.

8. No servant or apprentice, bound to perform domestic service, may lawfully refuse to accompany his master, or any of his family, by desire of the master, on any journey within the Territory, and in the course of such journey to perform any service which he would be bound to perform in his master's house or on his premises. No servant or apprentice may lawfully refuse to go on any journey within the Territory Servant or apprentice may be required to make journeys.

on which his master shall order him to go, or in charge of, or to drive, herd, tend, or take care of any carriage, horse, or any kind of cattle, horned or otherwise, the property or in the lawful possession of or under the lawful control of his master, which such servant or apprentice would by reason of his contract be bound to do at his master's residence or on his premises or farm. Provided always that there shall be reasonable ground for believing that such journey will be performed before the expiration of the contract of service or apprenticeship. The master shall be bound to provide the servant or apprentice journeying as aforesaid with food and every other thing necessary and proper to enable him to perform the journey out and back.

Journeys outside territory.

9. No servant or apprentice shall be bound to accompany his master out of the Territory without the consent of the servant, and of the parent or guardian of such servant, being a minor; or of the parent or guardian of the apprentice. If the apprentice be of the age of sixteen years or upwards his consent shall also be required.

Service may terminate from date of removal.

10. Where, in case of removal, the servant or apprentice is not bound to accompany his master or to continue his service, and is unwilling so to do, the contract of service shall be deemed to have terminated from the date of such removal, and the servant shall be entitled to claim wages or other remuneration specified in the contract up to the date of such removal and for one month additional, or up to the expiration of the contract in case the contract shall sooner expire. Provided, however, that if the master have given notice of his intended removal the servant or apprentice shall not be entitled to wages or other remuneration for more than one month from the date of such notice.

Dissolution of contract upon marriage of female servant or apprentice.

11. When any female servant or apprentice shall be lawfully married during the contract of service or apprenticeship, her husband may at any time subsequent to the marriage and by giving seven days' notice to the master dissolve the contract and remove his wife from her master's service, and shall be entitled to claim the wages and other remuneration to which his wife may be entitled up to such removal, but shall be liable to the master for all damage sustained by him through such removal. Such damage shall not exceed the amount of wages which such wife would have earned between her removal and the expiration of the contract had she continued to perform her service.

Conditions upon which master may dissolve contract upon marriage of female servant or apprentice.

12. Where a female servant or apprentice, bound to reside or perform service in the house or on the premises of her master, shall during the contract marry or enter into a state which in this Territory is reputed to be the married state, the master shall, at any time subsequent to such marriage or reputed marriage, be entitled to dissolve the contract and dismiss the servant or apprentice. Where such servant or apprentice is not bound to reside or perform service in the house or on the premises of the master, he may dissolve the contract and dismiss the servant or apprentice whenever by reason of her pregnancy or delivery of a child she shall become unfit for performing her service.

Every servant or apprentice dismissed as aforesaid shall be entitled to her wages and other remuneration up to the date of such dismissal, which the master shall be bound to pay before dismissing her.

CHAPTER IV.

PENAL PROVISIONS.

Penalties for misconduct of servant or apprentice.

1. Any servant or apprentice may, upon conviction, be fined any sum not exceeding four pounds sterling, and, in default of payment, may be imprisoned with or without hard labour, or with or without spare diet, for any period not exceeding one month, for any of the following acts of misconduct:—

(1) If he shall, after having entered into a contract or written undertaking, fail or refuse, without lawful cause, to commence his service at the time stipulated therein.

(2) If he shall, without leave or other lawful cause, absent himself from his master's house or premises or other place proper and appointed for the performance of his work.

(3) If he shall, during working hours, or at any time if resident on his master's premises, become or be intoxicated.

(4) If he shall neglect to perform any work, which it was his duty to have performed, or if he shall carelessly or improperly perform any work, which from its nature it was his duty, under the contract, to have performed carefully and properly.

(5) If he shall, without leave and for his own purposes, make use of any horse, vehicle, or other property belonging to or in the lawful possession of his master.

(6) If he shall refuse to obey any command of his master, or of any other person lawfully placed by his master in authority over him, which command it was his duty to obey.

(7) If he shall make any brawl or disturbance in or at his master's dwelling house or other premises, or on his master's farm, and after being by his master, or other person placed by his master in authority over him, desired to desist, shall notwithstanding continue making such brawl or disturbance.

(8) If he shall be abusive or insulting, either by language or conduct, to his master or his master's wife or children, or to any person lawfully placed by his master in authority over him.

(9) If he shall, by wilful breach of duty or by neglect of duty, or through drunkenness, do any act tending to the immediate loss, damage, or serious risk of any property placed by his master in his charge, or placed by any other person in his charge for delivery to or on account of his master.

(10) If he shall, by wilful breach of duty, or by neglect of duty, or through drunkenness, refuse or omit to do any lawful act proper and requisite to be done by him for forwarding in safety any property placed by his master in his charge for delivery to or on account of his master.

If it shall appear that the servant or apprentice is able to pay the loss or damage caused by such act or default as in this or the previous sub-section mentioned, proceedings shall, whether the master agree thereto or not, be had as in section 21 of this Chapter mentioned, instead of inflicting the punishment by this section provided.

(11) If being employed as a herdsman, he shall fail to report to his master the death or loss of any animals placed in his charge, which he shall allege to have died, or been lost, on the earliest opportunity for so doing after he shall have discovered, or in the course of his duty was bound to have discovered, such death or loss, or if he shall fail to preserve for his master's use or inspection any part or parts of any such animal as he shall allege to have died, which part or parts he shall by his master have been directed to preserve, unless he shall prove to the satisfaction of the Court the death of such animals; or if it shall be made by his master to appear that any such animal or animals alleged by him to have strayed away or otherwise became irrecoverably lost, could not, under the circumstances of the case, have become irrecoverably lost without his act or default.

(12) If he shall, without lawful cause, depart from his master's service with intent not to return thereto.

Penalties for second or subsequent conviction of misconduct.

2. In case of a second or any further conviction for any of the above offences, the offender may in regard to such second or further conviction be fined any sum not exceeding eight pounds sterling, and in default of payment thereof may be imprisoned, with or without hard labour, for any period not exceeding two months, or may be imprisoned without the infliction of a fine, with or without hard labour as aforesaid, and shall be liable during such imprisonment, or so much thereof as the convicting Magistrate or Special Justice of the Peace shall adjudge, to be kept in solitary confinement with or without spare diet, or on spare diet with or without solitary confinement.

Contract not cancelled by fine or imprisonment.

3. No fine paid, or period of imprisonment undergone, under this Ordinance, by a servant or apprentice, shall have the effect of cancelling the contract of service or apprenticeship, and the servant or apprentice shall be bound to return to his master

immediately after having complied with the terms of his punishment, in order to serve the unexpired period of his service.

Period within which master must lodge complaint.

4. The master shall lodge his complaint within thirty days next after the day on which he became aware of the offence or alleged offence, failing which no proceedings against the servant or apprentice shall be allowed.

Master may order servant or apprentice to appear before Magistrate or Special J.P. to answer complaints.

5. A master, or a person placed by him in authority over a servant or apprentice, having matter of complaint against any servant or apprentice, may warn or order such servant or apprentice to appear before the Magistrate or Special Justice of the Peace of the district, on some certain day and hour to be named by the master, or other person as aforesaid, in order to answer such complaint, the nature of which the master, or other person aforesaid, shall duly intimate to the servant or apprentice. Should the servant or apprentice fail to appear in pursuance of such warning, the Magistrate or Special Justice of the Peace may, upon the application of the master or other person as aforesaid, and on proof by affidavit that the servant or apprentice received the warning a reasonable time before the time fixed for his appearance, and has no lawful cause for not appearing, issue a warrant for the apprehension of such servant or apprentice in order to investigate the complaint. In case of conviction upon such complaint the Magistrate or Special Justice of the Peace may, if he be satisfied that the servant or apprentice had no good and sufficient cause for failing to attend, adjudge that in addition to the sentence or punishment inflicted, he pay to the master or other person as aforesaid such reasonable costs and expenses, not being more than those allowed in criminal cases, to which the latter may have been put in consequence of such failure of appearance.

Should, however, the master or person placed in authority as aforesaid, prefer to do so, he may order and require the servant or apprentice forthwith to proceed in his company before the nearest Magistrate or Special Justice of the Peace, there to answer a charge of having committed an offence against the provisions of this Ordinance. If the servant or apprentice, after having been informed of the charge against him, neglect or refuse to obey any such order made by his master or person placed in authority as aforesaid, the latter may arrest him without warrant and convey him to the nearest Magistrate or Special Justice of the Peace having jurisdiction in the matter for the purpose of dealing with the alleged complaint.

Procedure when complainant does not appear.

6. In case the complainant, having warned the servant or apprentice to appear, as in the preceding section mentioned, shall himself fail to appear at the appointed time in order to prosecute the complaint, the Magistrate or Special Justice of the Peace, upon proof by affidavit that the servant or apprentice was duly warned to appear shall, unless the complainant had a good and sufficient reason for failing to appear, make an order for the payment of the costs and expenses of such servant or apprentice and of his necessary witnesses, if any, reckoned at the rate allowed as if each or any of them had been summoned to attend to give evidence in a criminal case before the Magistrate.

If the complainant, on the presentation of such order by the person or persons entitled thereto, fail or refuse to comply therewith, he shall be liable to a fine not exceeding five pounds, and in default of payment to imprisonment not exceeding one month.

Procedure when servant or apprentice who has complained against master does not appear.

7. In case a servant or apprentice, having complained against his master for or on account of any offence against this Ordinance, shall fail to appear to prosecute his complaint at the time fixed by the Magistrate or Special Justice of the Peace for the appearance of the defendant, the Magistrate or Special Justice of the Peace shall, unless satisfied that such complainant had a good and sufficient reason for his non-appearance, ascertain the costs and expenses which the defendant has reasonably incurred in appearing to answer the complaint, and order, as in the preceding section mentioned, the payment of such costs and expenses by the complainant. If, on the order being presented to him by the person in whose favour it is made, the complainant shall neglect or refuse to comply therewith, he shall incur the same fine and, on default of payment thereof, the same punishment as in the preceding section mentioned.

Servant or apprentice who leaves service to lodge complaint does not contravene Ordinance.

8. No servant or apprentice proceeding to lodge any reasonable complaint, which he may have against his master, or the person placed in authority over him by his master, after having unreasonably been refused leave for this purpose, shall thereby be deemed to have deserted his master's service or otherwise contravened this Ordinance.

9. If the master of any servant or apprentice, or the person lawfully placed by the master in authority over him, shall be convicted of the offence of withholding the wages of such servant or apprentice, without reasonable and probable cause for believing that the wages so withheld were not really due, he shall be sentenced to a fine not exceeding five pounds sterling, and in default of payment to imprisonment for any period not exceeding one month. Penalty for withholding wages of servant or apprentice.

The Magistrate or Special Justice of the Peace shall, besides passing sentence as herein provided, give judgment for the amount of wages wrongfully withheld and for the costs of the proceedings, calculated on the scale allowed for civil cases before the Court. The wages and costs, if not paid, shall be levied on the movable property of the master, or person having been placed in authority as aforesaid, as the case may be, under a warrant signed by the Magistrate or Special Justice of the Peace, together with the costs of the levy.

Should the Magistrate or Special Justice of the Peace acquit the defendant of the aforesaid offence, and yet find that the wages are due and have been retained by the master or other person aforesaid, he shall give judgment for the amount of wages due and make such order as to the payment of costs as the justice of the case shall require.

10. A master of any servant or apprentice, or the person lawfully placed by the master in authority over him, who shall either before or on the expiration of the contract of service or apprenticeship, after demand made, refuse to deliver or permit to be taken away any of such servant's or apprentice's cattle, sheep, or other animals lawfully remaining or being upon the master's land, without his having reasonable and probable cause for believing that the animals are lawfully detained, shall be sentenced to a fine not exceeding ten pounds, and in default of payment to imprisonment not exceeding one month. Besides passing sentence the Magistrate or Special Justice of the Peace shall give judgment for the delivery of the said animals and for costs and damages if any, for which, if not paid, execution shall issue, all in manner as in the preceding section mentioned. The fact that the contract of service or apprenticeship has not yet expired shall not by itself be deemed reasonable and probable cause for the detention aforesaid. Penalty for refusing to deliver up cattle, sheep or other animals, the property of a servant or apprentice.

11. A master failing to supply any servant or apprentice with suitable food, bedding, or other articles stipulated for in any contract of service or apprenticeship, shall be liable to a fine not exceeding five pounds, and in default of payment to imprisonment for any period not exceeding one month. Penalty for failing to supply servant or apprentice with articles stipulated for in contract.

12. Whenever it appears to the Magistrate or Special Justice of the Peace that the master has not fairly and faithfully performed his part of the contract of service or apprenticeship, he shall be at liberty, should he think fit, and the servant or apprentice desire it, to order the cancellation of the contract, which shall be cancelled accordingly. If master fails to perform his part of contract it may be cancelled.

13. Whenever any master, or person placed by him in authority as aforesaid, or any servant or apprentice or any parent or guardian of the latter, shall complain on account of an offence against the provisions of this Ordinance, the process of the court for compelling the attendance of the party accused and of all necessary witnesses shall be instituted at the public charge and without any fees of Court. If at the trial it appear that the charge has been brought without reasonable or probable cause, the complainant shall be liable to a fine not exceeding five pounds, and also to defray the costs of process and of the witnesses, and, in default of payment of such fine and costs, or any portion thereof, he shall be liable to imprisonment for any period not exceeding one month. Such fine may be imposed at the trial without any fresh or further proceedings being instituted for the recovery thereof. Process of Court, &c.

14. In the infliction of spare diet or solitary confinement under this Ordinance, the Magistrate and Special Justice of the Peace shall observe and conform to such regulations and restrictions as shall from time to time be provided by law and be in force on the subject. Spare diet and solitary confinement.

15. A master, or person placed by him in lawful authority as aforesaid, lodging any complaint against any servant or apprentice for any offence under this Ordinance may make a deposition on oath before a Magistrate or Justice of the Peace to the effect that he believes (stating the grounds of his belief) that the apprehension of such servant or apprentice is necessary in order to secure his appearance before the Magistrate or Special Justice of the Peace, having jurisdiction in the matter, whereupon it shall be lawful for the Magistrate or Special Justice of the Peace to issue his warrant for the apprehension Deposition may be made by master that apprehension of servant or apprentice is necessary.

of such servant or apprentice without any previous warning or summons. If the master, or person placed in authority by him as aforesaid, shall make such deposition maliciously and without reasonable and probable cause, he shall be liable to be fined any sum not exceeding ten pounds, and in default of payment to imprisonment for any period not exceeding one month.

Persons competent to give evidence.

16. In any trial for a breach of any of the provisions of this Ordinance, the master, servant or apprentice, as the case may be, and his or her wife or husband, shall be competent to give evidence.

Offenders not ordinarily to be treated as prisoners under arrest.

17. No master, servant or apprentice, charged with having contravened any of the provisions of this Ordinance, and who is not immediately before the hearing of such charge in actual custody, shall be compelled to enter the dock or place usually assigned for prisoners under trial, nor be otherwise treated as under arrest during the hearing of the charge. If it appear necessary to the Magistrate or Special Justice of the Peace before whom the case is tried that the master, servant or apprentice, should, in order to secure his attendance, be placed in custody, it shall be lawful for the Magistrate or Special Justice of the Peace to cause him to be detained in custody.

Penalty for refusing to resume service after discharge from prison.

18. If any servant or apprentice, whose contract or written undertaking of service or apprenticeship still subsists, shall, upon being discharged from prison, after having undergone imprisonment under this Ordinance, refuse or neglect, upon his master's request, to resume his service, he shall be liable to be imprisoned with or without hard labour for any period not exceeding one month, and so on for successive periods, not any one of them exceeding one month, until he shall consent to resume and shall resume his service, and every such period of imprisonment, or so much as the Magistrate or Special Justice of the Peace shall adjudge, may be with solitary confinement with or without spare diet, or with spare diet with or without solitary confinement. No servant or apprentice, however, shall be imprisoned continuously and without any intermediate resumption of service under his contract or undertaking for more than six months in all.

Period of imprisonment to be added to term of service.

19. When any servant or apprentice shall have undergone a period of imprisonment under this Ordinance, he shall be obliged to serve his master for a period equal to that of such imprisonment, which shall be added to the stipulated term of service.

Period of absence without permission to be added to term of service.

20. If any servant or apprentice shall be convicted and punished for absenting himself or departing from his master's service, the period of his absence shall likewise, as in the previous section provided, be added to the stipulated term of service. The Magistrate or Special Justice of the Peace on convicting such servant or apprentice shall ascertain and certify in writing, to be delivered to the master, the period of such absence.

Servant or apprentice may be allowed to make compensation for loss or damage to property of master.

21. If through any act or omission of a servant or apprentice, as in this Ordinance provided, any damage or loss shall be caused to the master in any of his property, the Magistrate or Special Justice of the Peace may, if he think fit, order the servant or apprentice, if able, to make compensation for such loss or damage and may fix the amount and regulate the payment thereof, either at once or by instalments out of wages to be yet earned or otherwise, as shall seem reasonable and just, and meanwhile until default be made in such payment may defer passing sentence on the servant or apprentice. The Magistrate or Special Justice of the Peace shall preserve on record the evidence in the case, and, upon application of the master and due proof of such default, shall issue his warrant for the apprehension of the servant or apprentice, and shall pronounce such sentence as, due regard being had to what the servant or apprentice may have already paid in part compensation, shall seem just.

Master may cancel contract upon conviction of servant or apprentice.

22. As often as the master of any servant or apprentice convicted under this Ordinance shall desire the cancellation of the contract of service or apprenticeship, the Magistrate or Special Justice of the Peace, if he think fit, may order the cancellation thereof, and the same shall thereupon be cancelled. Such cancellation shall in nowise affect any sentence which the Magistrate or Special Justice of the Peace may have pronounced upon the servant or apprentice.

Contract may be cancelled if master prefer groundless charge against servant or apprentice or is convicted of assault.

23. If a master shall have preferred a groundless charge against any servant or apprentice, the Magistrate or Special Justice of the Peace may, if he deem fit, at the desire of the servant or apprentice or the parent or guardian of the latter, if any, order the cancellation of the contract of service or apprenticeship, and the same shall thereupon be cancelled. The same provision shall apply where the master is convicted of unlawfully assaulting his servant or apprentice.

Detention of child under 16 years.

24. If any child under the age of sixteen years shall be wrongfully detained by any person as a servant or inmate, the Magistrate or Special Justice of the Peace of the district shall have jurisdiction to order the restoration of such child to its father, mother, or guardian, as the case may be. If such order be not complied with by the person against whom it is directed, he shall be liable on conviction to a penalty not exceeding ten pounds, or in default to imprisonment not exceeding one month, with or without hard labour. If the child has been obtained possession of by the person complained against in a lawful manner, or under circumstances which would render it unfair for such child to be restored to its parents or guardian, and it further appear for the benefit of the child to continue to reside with the person complained against, the Magistrate or Special Justice of the Peace shall refuse to order the delivery of the said child and may authorise the person with whom the child is residing to retain possession thereof.

Master liable for loss caused by giving false certificate of character.

25. No master is bound to give a character to his servant or apprentice at the termination of the service. But every master, who shall knowingly give a false character to any servant or apprentice, is liable for any loss or damage caused thereby to any third person who by reason of such false character has been induced to take such servant or apprentice into his service.

Penalties for forging certificates and doing other illegal acts.

26. The following persons shall be liable on conviction to a fine not exceeding fifty pounds, or imprisonment for any period not exceeding six months, or to both such fine and imprisonment :—

(1) Every one who shall forge or counterfeit and utter any certificate of a servant's or apprentice's character, or shall falsely personate any other person, and, as such, either verbally or in writing give a false, forged, or counterfeit character of any servant or apprentice or other person offering or intending to offer himself to hire as a servant.

(2) Every one who shall offer himself to hire as a servant and who shall assert or pretend that he has served in a service in which he has not actually served, or who shall attempt to engage himself, or actually engage himself, as servant by means of a false, forged, or counterfeit certificate of character, or by means of a genuine certificate which has been fraudulently altered or added to, either by himself or with his knowledge.

Penalties for endeavouring to persuade servant or apprentice to leave service, and for doing other illegal acts.

27. The following persons shall upon conviction be punished with a fine not exceeding twenty pounds, or imprisonment not exceeding three months :—

(1) Any person who shall in any way force or persuade or endeavour to force or persuade any servant or apprentice to depart from his service or work, or to return his work to his master before the same shall be finished, or who shall by force in any way prevent or endeavour to prevent any person from hiring himself as a servant or apprentice, or from accepting work from anyone, or who shall force or endeavour to force any servant or apprentice, or any other person wishing to hire out his services, to belong to any club or association, or to contribute to any common fund with the purpose of procuring any of the objects in the next succeeding Sub-section mentioned.

(2) Any person who by violence to the property of another, or by threats or intimidation, shall molest or otherwise obstruct another by reason of his not belonging to any particular club or association, or of not having contributed or having refused to contribute to any common fund, or to pay any fine or penalty, or on account of his not having complied or refusing to comply with any rules, orders, resolutions, or regulations made to obtain an advance or a reduction of the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, business, work or labour, or the management thereof.

(3) Any person who by means of any violence, threats, intimidation, molestation or destruction, shall force or endeavour to force any manufacturer or person carrying on any trade, business, work, or labour, or engaged in agriculture, to make any alteration in his mode of regulating, or conducting the same, or to increase or limit the number of his servants or apprentices.

Discussion of matters arising from relations of master and servant does not render liable to prosecution.

28. The free and voluntary meeting of any persons to *bonâ fide* consult and discuss with each other, or among themselves, all matters arising from the relation of master and servant does not render such persons liable to any prosecution whatever.

Proceedings against servants employed on public works.

29. Whenever it may be necessary to take proceedings under this Ordinance against any person or persons employed as servants on any public works of this Territory, such proceedings may be conducted by and in the name of any of the officers in charge of the works upon which the servant or servants are employed.

CHAPTER V.

GENERAL PROVISIONS.

Definition of "servant."

1. The term "servant" in this Ordinance shall include any person, whether of European, native, or other origin, employed at (weekly, monthly, quarterly or annual) hire or wages or other remuneration, to perform any handicraft or other bodily labour in domestic service, agriculture, husbandry, trade or manufacture, or as coachman, driver, groom, stablekeeper, gardener and any other similar occupation. It shall also include any person performing bodily labour in any work or undertaking of whatever kind it may be, without any exception, in the capacity of labourer, but not also in that of a skilled workman.

Inclusion of reputed relatives. Definition of "month."

2. The words "father," "mother," "parent," "guardian," "relative," "husband," and "wife," shall include reputed father, mother, parent, guardian, relative, husband and wife. The word "month" shall mean a calendar month.

Words used in masculine include feminine and those in singular include plural and *vice versâ*.

3. Except where the contrary clearly appears, words used in the masculine shall include the feminine, and words used in the singular shall include the plural and *vice versa*.

Contracts previously in force not repealed by this Ordinance.

4. Nothing in this Ordinance contained shall be deemed to repeal or annul any valid contract of service or apprenticeship entered into previous to the taking effect of this Ordinance.

Jurisdiction of Magistrates and Special J.P.'s.

5. The Magistrates and Special Justices of the Peace within the Territory shall have jurisdiction in all cases and questions arising in their respective districts between masters and their servants and apprentices, and in all matters and offences whatsoever provided for in this Ordinance.

Jurisdiction in cases arising in other districts.

6. A magistrate and Special Justice of the Peace shall have Jurisdiction in any matter arising under this Ordinance against any person being at the time within his district, although the grounds of such matter may have arisen, or the person, against whom the complaint is brought, has his usual residence, outside such district. Should it, however, appear that any such matter can be more conveniently tried or determined in some other district, the Magistrate or Special Justice of the Peace shall refer the matter to the Magistrate or special Justice of the Peace of such other district. If the servant or apprentice should in such case be charged with desertion, and this reasonably appears on oath or affidavit of any credible person, the Magistrate or Special Justice of the Peace may, if he thinks fit, issue a warrant for the conveyance under safe custody of such servant or apprentice to the place where the Court of such other Magistrate or Special Justice of the Peace is held; provided that the master shall undertake to defray the expense of such conveyance, and the Magistrate or Special Justice of the Peace who shall eventually decide upon the matter or complaint shall adjudge by which of the parties the said expense shall be paid.

Conduct of case for servant on appeal to High Court by master.

7. Where in any case between a master and his servant or apprentice under this Ordinance, a Magistrate or Special Justice of the Peace shall have given judgment against the master, and the latter desires to prosecute an appeal in the High Court or to have the judgment reviewed, the Attorney-General or his representative shall appear for and conduct the case for such servant or apprentice, and in the Province of Matabeleland the Solicitor-General or his representative shall be entrusted with the like duty.

Existing laws relating to natives not affected by this Ordinance.

8. Nothing in this Ordinance contained shall, if inconsistent therewith, be taken to repeal any existing laws or regulations relating to natives.

Laws repealed.

9. The Acts No. 15, 1856 ; No. 18, 1873 ; No. 28, 1874 ; No. 7, 1875 ; and No. 30, 1889 ; generally known as the Masters and Servants Acts, 1856 to 1889 of the Colony of the Cape of Good Hope, are hereby repealed.

Title and date of taking effect.

10. This Ordinance may be cited as the "Masters and Servants Ordinance, 1901," and shall come into force upon such date as may be fixed by the Administrator by notice in the *Gazette*.

SCHEDULE.

Contracts of Apprenticeship shall as nearly as possible be in the following form :—

This contract of apprenticeship made between the undersigned parties witnesseth that A..... B..... of..... (*if a destitute child this should be stated here*) and of the age of.....years, is hereby apprenticed to C..... D..... of..... in the district of..... with him to reside and serve as..... (*here state in what capacity the service or occupation is to be performed*) for the period of..... consecutive years, commencing from the date hereof.

The said A..... B..... hereby promises and agrees to faithfully serve the said C..... D..... as apprentice, and the said C..... D..... for himself, his heirs and executors, hereby undertakes and covenants to teach and instruct the said A..... B..... in the ..... (*here state the particular trade or occupation*) to the best of his ability, and also to cause him to receive necessary education and religious instruction, and further to provide him with suitable and sufficient food, lodging, clothing, and washing, and shall also pay as wages to or on behalf of the said A..... B..... the sum of ..... (*here insert the terms on which the stipulated wages are to be payable*).

In witness whereof we, the said A..... B..... and C..... D..... have hereunto set our hands.

A..... B..... } (*Assisted by* X..... Y..... *parent or guardian, if any.*)
C..... D..... } *Here insert the signatures or marks of the parties.*

As witnesses :
M... N...
O... P...

Dated at.....this.....day of.....A.D. 19.....

In my presence and approved by me,

E... F... (*Magistrate or Special Justice of the Peace.*)

NOTE.—The Magistrate or Special Justice of the Peace before whom the contract of apprenticeship is executed, shall see that nothing in the contract contained shall be contrary to the provisions of this Ordinance relating to apprenticeship.

Enclosure 2 in No. 45.

RESIDENT COMMISSIONER, Salisbury, to HIGH COMMISSIONER.

MY LORD, Salisbury, Rhodesia, August 17, 1901.

I HAVE the honour to submit for Your Excellency's consideration an Ordinance entitled :—

The Masters and Servants Ordinance, 1901, passed by the Legislative Council during its recent session, its primary object, as explained by the Attorney-General,

who introduced the bill, was the consolidation of existing laws, beyond this, amendments were made, of these the most important are:—

1. The provision in section 1, chapter 1, that "a written undertaking to enter the service of any master within the limits of the Territories of Southern Rhodesia, and signed elsewhere than within such limits, shall be binding upon the person signing the same and shall be of force and effect in the Territory." This, while it protects the employer against repudiation of an agreement entered into in good faith, does away with the existing safeguard to a servant who finds that through ignorance he or she has agreed to conditions of service which, from information gained on the way or after arrival in the territory, are unduly irksome or otherwise objectionable.

The amendment on the whole is in favour of the employer.

2. Section 6, chapter 3, extends the limit within which a master may remove without thereby invalidating the contract from two miles to four miles; it is considered that owing to the conditions of a new country and the extent of farms and holdings increased discretion in this matter should be allowed employers, and that the limits of four miles sufficiently protects the servant from arbitrary removal from towns or neighbourhood where they have agreed to serve, or from healthy to unhealthy parts of the territory.

3. Section 27, chapter 4, which renders any one persuading a servant or apprentice to leave the service of his master liable to fine and imprisonment, creates a new offence, which, in my opinion, will be found difficult of proof and easy of evasion.

4. Section 1, chapter 5, gives a wider definition to the term servant, practically including all unskilled labourers but excluding skilled workmen.

5. Section 6, chapter 5, increases the general jurisdiction of Magistrates and special Justices of the Peace under the Ordinance in certain cases, and it seems doubtful whether such increase is in accordance with section 69, Southern Rhodesia Order in Council.

On the second reading of the Ordinance the Junior member for Mashonaland moved, as an amendment, that to sections 1 and 2, chapter 4, the words be added "in addition may be sentenced to receive fifteen or any less number of cuts with a cane," this would apply to white and black alike, Mr. Grimmer urged that the power he proposed to give Magistrates and Special Justices of the Peace to sentence to corporal punishment would never be exercised in case of Europeans, who would accept the nominal liability to such punishment for the advantage they would derive from its infliction on natives. The amendment, seconded by the Junior member for Matabeleland, was lost by a majority of three.

In connection with this the draft act first submitted to the Executive provided that male natives contravening any of the provisions of the Ordinance should be liable to corporal punishment, this was an amplification of the recommendation of the select committee on Native Administration, Southern Rhodesia, in its report of May, 1899, that in cases of desertion Magistrates should be vested with the power, without review by a Judge, to sentence prisoners convicted of that offence to receive not more than 15 cuts with a cane.

On further consideration the Administration withdrew the section providing for corporal punishment, and it did not appear in the draft submitted to the Legislative Council.

I recommend that this Ordinance receive Your Excellency's sanction, provided section 6, chapter 5, is *inter vires*.

I have, &c.,

M. CLARKE,
Resident Commissioner.

His Excellency
The High Commissioner,
Johannesburg.

Enclosure 3 in No. 43.

ADMINISTRATOR, Salisbury, to HIGH COMMISSIONER.

SIR, Administrator's Office, Salisbury, August 10, 1901.

I HAVE the honour to submit, for assent, the Masters and Servants Ordinance, which was passed by the Legislative Council during its recent session.

This Ordinance is a consolidation of the various Cape Statutes beginning with Act 15 of 1856 and ending with Act 30 of 1889, dealing with the subject of Masters and Servants.

In thus bringing the various Cape Acts into one harmonious whole, advantage has been taken of the opportunity of drafting the various sections in somewhat more concise form and arranging them in better symmetrical order.

The only new points which have been introduced into the Ordinance, and which require special mention, are the following:—

1. The first section of chapter 1 is new. It has frequently happened that domestic and other servants are engaged in England or elsewhere outside Rhodesia, on a written undertaking signed by such servant only, who, as the law now stands would, on arrival in Rhodesia, be able to repudiate the undertaking on the ground that, as it is not signed by the Master as well, it constitutes no binding contract between the parties. This would entail a serious inconvenience and loss on the Master, who has gone to the expense of paying the servant's passage, &c., to Rhodesia, and probably also of making him or her some advance in money. The servant possessing next to nothing is not in a position to make good such loss, and the master may find that he has simply been the means of importing a servant or wife for some one else's benefit. It is to prevent an abuse of this kind that the section has been introduced.

2. In section 1, chapter 5, a wider definition of the term "servant" than that given by the Act 15 of 1856, section 2, has been adopted, experience having shown the necessity for so doing.

3. By section 6, chapter 5, the Magistrate and special Justice of the Peace have jurisdiction in all matters arising under the Ordinance. By some sections of the Ordinance, *e.g.*, sections 26 and 27 of chapter 4, this jurisdiction is increased. The right of the High Court to review a sentence of a Magistrate or Special Justice of the Peace remains, however, untouched.

4. A provision is contained in section 8 of chapter 5, providing that so far as native servants may be concerned, the existing laws and regulations relating to natives shall not be affected by anything to the contrary, which may appear in the Ordinance.

I have, &c.,
W. H. MILTON,
Administrator.

His Excellency
The High Commissioner,
&c., &c., &c.,
Johannesburg.

No. 44.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, December 1, 1901.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 21st of October,* on the subject of the recruiting of native labour for the mines in Southern Rhodesia.

2. I am to enclose a copy of a despatch† which has since been received from the

* No. 30. † No. 40.

High Commissioner for South Africa forwarding a report by the Resident Commissioner on the instructions issued by the Administrator to the Native Commissioners as reported in his telegram of the 16th of October to the Directors of the British South Africa Company. I am also to state that a telegram* has been received from Lord Milner referring to the circular of 16th October issued to the Native Commissioners as appearing to meet the case pending a discussion of the matter between Mr. Chamberlain and Sir Marshal Clarke on the arrival of that officer in this country and saying that he has provisionally authorised the Administrator to act on the arrangements he proposes to make in view of the abolition of the Labour Board.

3. So far as Mr. Chamberlain can judge from the information now before him the arrangements referred to appear to him to constitute a system by which the employers themselves will make arrangements for recruiting the labour, the Native Commissioners assisting in the matter only so far as to make the employers' wants known to the natives, and to register applicants for employment and guide them to the destination they may select. Such a system, if loyally adhered to, would so far meet the object Mr. Chamberlain has in view that, while adhering to the opinions expressed in the last paragraph of the letter from this Department of the 3rd of October† as to the functions of the Administrator in regard to the supply of native labour, he would be prepared, subject to any further information which Sir M. Clarke may be able to afford on his arrival, to accept it as a provisional arrangement until a properly organized unofficial recruiting and distributing agency can be established.

I am, &c.,
FRED. GRAHAM.

No. 45.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, December 7, 1901.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 29th of November,‡ and to refer to the letter from this Department of the 1st of December,§ on the subject of the recruiting of native labour for the mines in Rhodesia.

I am, &c.,
FRED. GRAHAM.

No. 46.

HIGH COMMISSIONER LORD MILNER to MR. CHAMBERLAIN.

(Received December 23, 1901.)

SIR, High Commissioner's Office, Johannesburg, November 29, 1901.

WITH reference to previous correspondence, I have the honour to transmit to you one signed and four plain copies of the Immigration Ordinance, which was passed by the Legislative Council of Southern Rhodesia during its recent session, and to which I have assented on certain conditions.

I also transmit copies of reports by the Resident Commissioner and the Administrator on the Ordinance, and a newspaper account of a discussion on the subject, also a copy of a despatch from the Administrator, formally undertaking to observe the conditions on which I offered to assent to the Ordinance in accordance with your instructions, and a copy of a despatch which I have addressed to the Resident Commissioner, in giving my assent to the Ordinance.

I have, &c.,
MILNER,
High Commissioner.

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* No. 41. † No. 26. ‡ No. 42. § No. 44.

Enclosure 1 in No. 46.

Ordinance No. 18, 1901.]

SOUTHERN RHODESIA.

An Ordinance to provide for and regulate the Importation of Labourers into Southern Rhodesia, the Management and disposal of such Labourers and other purposes.

Be it enacted by the Administrator of Southern Rhodesia, with the advice and consent of the Legislative Council thereof, as follows :— Preamble.

PRELIMINARY.

1. In this Ordinance, unless the context otherwise requires :— Definitions.

(1) "Rules" means any rules made under this Ordinance.

(2) "Inspector" includes any inspector of immigrants acting in the district, or in the performance of any duty assigned to him under the provisions of this Ordinance, or under any rules.

(3) "Medical Officer" includes any medical officer acting in relation to any works, hospital, or duty to which his attendance is appointed under this Ordinance, or under any rules.

(4) "Works" means any mine, or public or private works (including the construction of any railway) approved of by the Administrator.

(5.) "Mine" includes any place, either on or below the surface of the ground, where any operation of mining, or in connection with a mining purpose, is carried on ; and "Mining Purpose" means the purpose of obtaining or extracting any metal or mineral by any mode or method, and includes the purpose of exercising any right lawfully acquired in connection with mining.

(6) "Employer" includes the person or persons for the time being having the personal charge of or chief authority upon any works at which immigrants are or are proposed to be employed, whether such person be proprietor, lessee, attorney, manager, overseer, or other employee at such works.

(7) "Immigrant" means an unskilled labourer, and includes any person introduced into Southern Rhodesia under this Ordinance.

(8) "Persons" includes individuals, partnerships, companies, and corporations.

2. (1) The Administrator, with the advice and consent of the Executive Council, may by notice in the *Gazette* name the countries from which immigration to Southern Rhodesia is permitted under this Ordinance ; Provided that no such notice shall be given in respect to India or any Colony or Dependency of the United Kingdom of Great Britain and Ireland without the consent of a Secretary of State, or of the Governor or chief Executive Officer of such Colony or Dependency. Countries from which immigration is permitted.

(2) The provisions of this Ordinance shall extend or apply to immigration from the countries so named only.

(3) Immigration from British and Portuguese Possessions in Africa, south of Latitude twelve degrees South, shall not be subject to the provisions of this Ordinance.

THE IMMIGRATION DEPARTMENT.

3. (1) The Administrator shall establish an Immigration Department for the purposes of this Ordinance.

Immigration Department and Protector of Immigrants.

(2) The Administrator may appoint a Protector of Immigrants (hereinafter called "the protector") who shall be head of the Immigration Department, and may remove such protector. Subject to the control and direction of the Administrator, the protector shall have authority over all persons employed in the immigration service of Southern Rhodesia, or in the execution of this Ordinance, or any rules, and shall have the general management and superintendence and direction of the Immigration Department, and of the officers thereof, and shall perform such duties in relation to immigration as may be entrusted to him by or under this Ordinance, and shall have all the powers of an Inspector of Immigrants under this Ordinance.

Power of Administrator to appoint and remove Officers, &c.

4. The Administrator may from time to time appoint and remove such inspectors of immigrants, medical officers, clerks and other officers as may be necessary for the performance of the duties of the Immigration Department, and may from time to time assign the districts within which they shall respectively act.

Salaries and allowances of Officers.

5. The protector, and the inspectors, medical officers, clerks and other officers, shall be paid such salaries and allowances as the Administrator shall authorise.

IMMIGRATION CONTRACTORS.

Contractors.

6. Only a person licensed on that behalf by the Administrator (the granting and refusal of the licence being in the uncontrollable discretion of the Administrator) may introduce any immigrant into Southern Rhodesia. A person so licensed is hereinafter called a "contractor." The licence of a contractor shall bear a stamp of the value of £10. which shall be paid and properly cancelled before the issue of the licence. Every contractor shall give to the Administrator such security, and in such form, as the Administrator may require for the due performance and observance by such contractor of the provisions of this Ordinance, and of any rules made thereunder, and of all contracts entered into by him with immigrants under the next following section hereof. No contractor shall be an employer of immigrants. In the event of the appointment of any board or boards by the Administrator for the purpose of collecting and distributing labour, such board or boards shall be deemed to be contractors within the meaning of this Ordinance.

Contract to be entered into with immigrants.

7. A contractor proposing to introduce any immigrant into Southern Rhodesia shall enter into a written contract in English with every immigrant he proposes to introduce. By every such contract it shall be provided,

(1) That the immigrant agrees to serve some company or person named in the contract, or to whom on arrival in Southern Rhodesia he may be allotted by the Protector, for a certain period at a stated wage.

(2) that the wages of the immigrant shall begin and be reckoned from the date on which he commences work, and that suitable food shall be provided on his journey to and from Southern Rhodesia,

(3) that the contractor shall deduct from the wages of the immigrant with whom it is entered into, a proportion thereof not exceeding the proportion fixed by the Protector, and shall pay such proportion monthly to to the Protector, and

(4) that the immigrant shall agree to leave Southern Rhodesia and to return to the place from which he came immediately his term of service has expired, or sooner if it be found necessary or expedient, as provided by law

Return to be provided to Protector by Contractor.

8. Every Contractor shall transmit to the protector a return showing,

(1) the age and previous occupation, as nearly as the same can be ascertained, of every immigrant, when introducing him into Southern Rhodesia ;

(2) a copy of the contract entered into with him ;

(3) the name and works of the employer for whom he proposes to introduce such immigrant, and

(4) such other particulars as the protector may from time to time direct ;

and shall transmit with such return an abstract of the certificate of some medical officer as to the soundness of constitution and fitness for labour of each such immigrant.

Females and Children not to be introduced without special permission.

9. No person shall introduce as an immigrant any female, or any person who is under the age of sixteen years, except with the written approval of the Administrator first had and obtained.

RULES.

Protector may make rules.

10. The protector may, with the approval of the Administrator, from time to time, make, and when made, alter and revoke rules :

(1) for the government of the Immigration Department and of all persons engaged in carrying out the provisions of this Ordinance or any rules ;

(2) fixing the proportion of wages which may be deducted as mentioned in Section 7 hereof, the minimum daily wage of immigrants, and the minimum payment for task work ;

(3) for the housing, clothing, rations, and feeding of immigrants and all matters connected therewith or relating thereto respectively ;

(4) for the medical inspection, sending to and reception in hospital of immigrants, and generally for all matters relating to the health of immigrants ;

(5) for preventing breaches of the peace or disorderly conduct in the celebration of religious rights and festivals by immigrants ;

(6) generally for more fully and effectually carrying out the provisions of this Ordinance ;

(7) for enforcing the performance and observance of such rules by penalties fixed by the protector, with such approval as aforesaid, and not exceeding £5, or imprisonment not exceeding two months in the case of breaches by immigrants, and not exceeding £50 or imprisonment not exceeding six months in the case of breaches by any other persons.

FISCAL PROVISIONS.

Immigration Fund.

11. For the purposes of this Ordinance there shall be a fund called the "Immigration Fund," which shall be administered by the Administrator.

How to be administered.

12. The immigration fund shall be credited with all sums received on account of licences, indenture fees, stamps, and penalties payable under this Ordinance, or under any rule, on account of any vote in aid of immigration for the time being made, and on account of moneys received in respect of deductions from the wages of an immigrant as mentioned in Section 7 hereof, and on account of all other matters, and shall be debited with the whole cost of immigration under this Ordinance. The moneys received in respect of such deductions as aforesaid shall be carried to the account of the immigrant from whose wages they were deducted, and shall carry interest at the rate of four per cent. per annum, calculated yearly. Upon the termination of the indenture of an immigrant the protector shall pay to such immigrant the moneys carried to his account with interest as aforesaid.

Amount of Indenture Fee.

13. The indenture fee payable by an employer to the immigration fund in respect of each immigrant allotted to him shall be such sum as may from time to time be fixed by the Administrator.

Fee to be Security for Return Passages, &c.

14. The indenture fee payable in respect of any immigrant shall be security for the payment by the person liable to pay the same, of the return passage of such immigrant (and of his wife and children, if any) to the country from which he came, and for the payment of all other moneys payable by the employer of such immigrant on account or in respect of any immigrants contracted to be supplied to or employed by him.

Fee may be paid by instalments.

15. Unless the Administrator specially requires the indenture fees on any allotment to be paid in cash, payment of one-third thereof shall be made in cash forthwith, and the balance, for which approved security shall be given to the Administrator, shall be payable as follows: one-half at the end of one year from the date of allotment, with interest at the rate of five per cent. per annum, and the remaining half, with interest at the same rate, at the end of two years from the date thereof: Provided that if the employer refuses or neglects to pay the amount of indenture fees within six days after his account has been rendered to him by the protector, either wholly in cash or partly in cash with a deposit of approved security, as aforesaid, the whole shall thereupon fall due and become payable in cash. If the employer neglect to make payment as herein provided, a writ of execution may be taken out summarily in any competent court by the protector, against the property of the employer, in satisfaction of what is due, and the indenture may be cancelled by the protector.

Administrator to have preferent lien in respect of money due to Immigration Fund.

16. The Administrator shall, in respect of all securities so deposited and sums of money due to the immigration fund on account of any immigrants indentured on any works, have and hold for the same on behalf of the British South Africa Company a preferent lien on such works over and above all other liens, claims, and charges whatsoever, except mortgages, liens, and preferent rights of the British South Africa Company, and such as may have been allowed or created by any Ordinance or by the common law.

Lien to continue notwithstanding sale, &c

17. If any works, in respect whereof the Administrator holds a preferent lien as aforesaid, are sold or devolve by inheritance, devise, or otherwise howsoever, the preferent lien of the Administrator upon such works shall subsist and continue notwithstanding such sale or devolution.

APPLICATION FOR IMMIGRANTS.

Licence of Employer, and Contract between Employer and Contractor.

18. Any employer licensed in that behalf by the Administrator (the granting and refusal of the licence being in the uncontrollable discretion of the Administrator) to employ immigrants, who desires to obtain an allotment of immigrants, may contract with a contractor for the supply of the number of immigrants he may want, and any contractor may contract with an employer so authorised, but with no other person, for such supply. Every such contract shall bear a stamp of one shilling in respect of every immigrant contracted to be supplied. No employer shall receive a licence until the protector shall have certified in writing that proper accommodation for immigrants has been provided, and that he is satisfied that such employer is in a position to carry out the contract satisfactorily.

Contracts to be registered by Protector.

19. Every employer and contractor who has entered into any such contract shall forthwith send to the protector a copy thereof, together with full particulars of the number and ages of immigrants of each nationality required, and the name and situation of the works at which the immigrants are to be employed, and the name of the proprietor of the works, and shall produce the contract to the protector duly stamped. The protector shall register every such contract and all such particulars in the Register of Contracts for Immigrants.

Contract not affected by death, insolvency or absence of employer.

20. No contract shall be rendered invalid or be in any way affected by reason of the death, insolvency, or absence of the employer by whom such contract was made, or by reason of the sale of the works in respect of which such contract was made, and no contract of which a copy has been sent to the protector may be withdrawn without the permission of the protector.

21. The protector may, with the approval of the Administrator, refuse to allow any contract for the supply of immigrants to be carried out, in case he sees reasonable grounds for such refusal. Protector may refuse to allow Contract to be carried out.

22. The employer shall take over the contracts made by the contractor with the immigrants supplied to him, and shall perform and observe the provisions thereof so far as they were to be performed or observed by the contractor. Employer takes over and performs Contract made with Immigrants.

ALLOTMENT OF IMMIGRANTS.

23. The protector shall sanction the allotment of immigrants in accordance with the registered contracts, except such contracts as he shall not allow to be carried out. Allotment of Immigrants.

24. In the allotment of immigrants, so far as may be possible, members of the same family, and neighbours from the same village, and persons who may agree in representing themselves to be friends and associates, shall not be separated from each other. Members of one family, &c., to be kept together.

INDENTURES OF IMMIGRANTS.

25. On the completion of every allotment of immigrants, the protector shall deliver to the employer or his representatives an indenture and list in a form in the schedule to this Ordinance, a duplicate whereof shall be signed and delivered to the protector by the employer or his representatives, and the employer and immigrant shall thereupon be bound by such indenture, and every such indenture and list and every extract from such register signed by a protector shall be receivable in evidence of any indenture or allotment therein specified, without further proof. Indentures.

26. The protector shall keep a general register of immigrants, and shall insert therein the names of all immigrants arriving in Southern Rhodesia, and shall number each immigrant by a particular number proceeding by regular numerical progression, and shall distinguish therein under different heads, the number, name, age, and country of every immigrant, and the time when and the place from which such immigrant has arrived, and the cost of the passage of such immigrant, and the name of the contractor by whom, and of the employer or other person at whose expense, such immigrant has been introduced, and of the employer to whom he may be indentured on his arrival. Register of Immigrants.

27. The indentures of immigrants shall be for a term of not less than two and not more than five years from the date of allotment, unless otherwise directed by the Administrator. Terms of Indenture

28. When any works are sold or leased, or devolve by inheritance, devise, or otherwise, the indentured immigrants thereon (unless transferred to some other works with the consent of the immigrant) shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, administrators, or assigns, and for the same term as they would have been bound to render to their original employer. For the purpose of deciding any disputes as to title, any person who is actually in possession of the works shall be deemed to be entitled to the services of the immigrants. If works sold, bequeathed, &c., Immigrant to render service to purchaser or heir.

TRANSFER OF IMMIGRANTS.

29. If at any time it appears to the protector that any immigrant indentured on any works should be removed therefrom, he may, with the approval of the Administrator, cancel his indenture and re-indenture him for the remainder of his term of service to some other employer licensed by the protector to employ immigrants for the remainder of his term of service. Such other employer shall pay therefor in cash or shall deposit security such as the protector requires. Cancellation of Indenture, and transfer of Immigrant.

30. Such transfer of any immigrants shall not cancel the obligation of the employer from whom they are removed, but he shall be entitled to a reduction proportioned to the numbers removed and their unexpired terms of service, which reduction shall be written off the unredeemed security and shall be paid by the new employer in such manner as the protector may require. Obligation of Employer from whom Immigrant transferred to be reduced.

Incapacity of Immigrant from infirmity or sickness.

31. The protector may in his discretion relieve any works or the employer of any indentured immigrant from the care of an immigrant incapable of service from permanent infirmity or sickness, and may direct that a certificate of exemption from further service be granted to such immigrant, and that he be received into and retained in any hospital or in any general depôt that may be established at the charge of the immigration fund, until an opportunity offers to send him back to the place from which he came. Such relief shall only be granted at the request of the employer of the immigrant, and shall not affect any liability in respect of any indebtedness for the cost of such immigrant, or for his free pass (with his wife and children if any) to the place from which he came, as provided in Section 42.

LABOUR LAW.

Employment and Leave.

32. Every employer shall be bound to give work to every immigrant for six days in every week except authorised holidays and days when work is impossible by reason of very bad weather or other cause, and if any immigrant being willing and able to work has no work given to him to do on any working day, then he shall be entitled to his full day's wages for every day so lost to him. Provided that by mutual consent one or more day's leave may be given and taken without wages.

Working days.

33. Every immigrant in the absence of any express agreement to the contrary, and except in case of illness or of such bad weather or other cause as prevents work, or of other good cause beyond his control, shall be bound to work upon or in the service of the works mentioned in his indenture, or otherwise for the service of his employer, for nine hours of each day, except on Sunday, Good Friday, New Year's Day, and Christmas Day, and such other holidays, or days to be observed as festivals according to the national custom of the class of immigrants to which such immigrant is registered as belonging, as the Administrator from time to time sanctions and appoints.

Day Wages.

34. Every immigrant shall be paid by day wages, at the rate for each working day not less than that fixed by rule, and shall be bound to do every working day a fair day's work of nine hours a day, having regard to his strength.

Task Work and Special Bargains.

35. Any immigrant, instead of working for day's wages, may, if desired both by himself and his employer, do task work at not less than the minimum rate of payment fixed by rule. Any immigrant may make any bargain he pleases with his employer for working at any time extra hours by night or otherwise. In the case of any task work or bargain being arranged or entered into as aforesaid a proper record of the same shall be kept in such manner as the protector may require.

Payment of wages.

36. All wages duly earned by an indentured immigrant shall, less the deductions mentioned in Section 7 hereof, be paid in money weekly, without any deduction except for the cost of rations, and any postponment of payment, and any payment of wages in kind, shall be taken as an unlawful withholding of wages, and no employer supplying goods on credit to any of his indentured immigrants shall be entitled to stop the price thereof out of any wages which may be due or thereafter earned by such immigrant.

Pay Book.

37. Every employer of immigrants under indenture shall provide and keep on each works in which he employs such immigrants a book to be called the "Pay Book," shewing the daily earnings of such immigrants. The pay book shall be in such form as the protector may require.

Pay to commence from date on which work commenced, and to end on expiry of indenture.

38. The wages of an immigrant shall begin and be reckoned from the date on which he commences work, and no wages shall be payable after the expiry of the period of his indenture.

DEBTS.

Immigrants not liable to action for recovery of debt.

39. No immigrant shall be liable to any action or proceeding for the recovery of any debt or liability contracted or incurred by him during the term of his indenture, nor shall he be liable whilst under indenture to imprisonment for debt, nor shall it be lawful for any creditor of such immigrant to attach his wages or levy upon his goods during the continuance of the indenture.

RETURN PASSAGES.

40. If any immigrant, who has contracted to serve in Southern Rhodesia, shall on or after his arrival refuse, without good and sufficient reason, to proceed to the works where his service is to be performed, or to perform such service he may, at the discretion of the Administrator, be ordered to be returned to the country from which he came. The Administrator may likewise order the return of any immigrant, and of his wife and children, if any, whenever it may appear expedient or necessary to do so. Immigrant may be ordered to be returned.

41. Every immigrant, who has completed his term of service, or has been relieved therefrom, or ordered by the Administrator to return, shall be placed under the direct charge and custody of the Protector, who shall keep such immigrant, and his wife and children, if any, in some suitable place properly set apart for the purpose, and take the necessary steps for the prompt return of such immigrant to the country from which he came. Control of immigrant after service completed.

42. The Protector shall, at the expense of the employer who originally employed him, provide a free return passage for every immigrant and his wife and childen, if any. Free return passage.

VACCINATION.

43. On or before the location of any immigrants upon any works, the medical officer shall vaccinate such immigrants and members of their families, if any, as in his opinion have not been vaccinated, or may in his opinion need such protection. Vaccination

44. The medical officer shall from time to time vaccinate all infants of immigrants, if any, before they attain the age of twelve months. Vaccination of infants.

RATIONS.

45. All rations to be supplied by an employer under any rules shall be supplied by the employer, and no order for goods on any shopkeeper or any other person shall be given instead of such rations, or of any part thereof, and no rations supplied otherwise than as hereby provided shall be allowed in the employer's account as a charge against an indentured immigrant. Rations.

46. Rations duly supplied according to this Ordinance or any rules to an immigrant may be charged for by the employer against such immigrant at the usual cost price of the articles supplied at the place where the immigrant is employed, and the protector from time to time may fix and by notice in the *Gazette* may declare for this purpose the cost price of such rations in all or any of the places where immigrants are employed. Cost of rations may be charged against immigrants.

INSPECTION OF IMMIGRANTS AND HOSPITALS.

47. A medical officer appointed under this Ordinance shall inspect all immigrants brought into Southern Rhodesia under this Ordinance immediately on their arrival in the country, and shall set aside such of them as from their state of health appear to be unfit to be indentured, and the immigrants so set aside shall be provided for until they are fit to be indentured, or can be sent back to their own country, and the expense of inspecting, maintaining, and treating such immigrants, and if necessary sending them (and their wives and children, if any) back to their own country, shall be paid by the contractor introducing them. Medical inspection.

48. The protector or an inspector or a medical officer may at any time enter upon any works upon which immigrants are indentured, and inspect the condition of their dwellings, and may require a muster of the immigrants on the works, and the protector or an inspector may also examine the books in which earnings of the immigrants are entered, and all other books and registers relating to immigration matters on the works, and may enquire into any complaint having reference to immigration matters. Inspection immigrants' dwellings, registers, &c.

Inspection of hospitals.

49. The protector or an inspector shall visit every hospital in which immigrants may be treated, and may at any time enter therein and inspect the condition and general treatment of immigrants therein, and may enquire into all matters touching any immigrants therein, or any immigrants refused admission thereto, and shall report to the Administrator respecting any neglect coming under the notice of such protector or inspector, and generally as to the treatment of any immigrants in such hospitals.

Taking of evidence.

50. An inspector for the purpose of any enquiry under this Ordinance, or any rule made under this Ordinance, may require and take evidence on oath, affirmation, or solemn declaration.

Official visitors' Book.

51. There shall be provided by the employers, and kept upon every works on which immigrants are indentured, and there shall be kept in every hospital in which immigrants may be treated, a book to be called the "Immigrant's Official Visitors Book," which book shall be always accessible to the protector and the inspector and the medical officer.

Entries to be made therein.

52. The protector, the inspector, and the medical officer respectively, shall on each official visit that any one of them makes to any works or hospital, make an entry thereof in the Immigrant's Official Visitors Book, and shall add any remarks or directions with respect to the treatment of the immigrants that may appear necessary.

PROTECTION OF IMMIGRANT AND HIS PROPERTY.

Protector may enter plaint on behalf of immigrant.

53. When an immigrant makes a complaint to an inspector against his employer, or any attorney, agent, or servant of his employer, for non-payment of wages or for any injury or damage alleged to have been caused to such immigrant by the person complained of, the protector may, if he thinks fit, with the consent of the immigrant, on behalf and for the benefit of the immigrant, enter a plaint in a Magistrate's Court, and prosecute the same, and incur reasonable expenses thereabout, at the discretion of the Magistrate, as provided in the Masters and Servants Law.

Information or complaint to be free from stamp duty.

54. Every information or complaint laid by any immigrant under this Ordinance or under any rule shall be free of stamp duty.

Monthly returns.

55. Every employer having immigrants shall at the end of every calendar month furnish to the protector a return in such form as may be prescribed by the protector with the sanction of the Administrator, shewing the name of every immigrant on the works, and the wages earned during each week in the said month by each such immigrant. Every such return shall be verified by the signature of the employer, for the accuracy of which return he shall be responsible under this Ordinance.

Intestate estates.

56. The protector is charged with the duty of collecting and taking possession of the property of any immigrant who may die intestate in this territory, and to deliver with as little delay as possible all such property to any person who shall establish a right thereto to the satisfaction of the protector, or in the absence of such person, to sell the said property and pay the proceeds thereof to the British South Africa Company in its local treasury. It shall be lawful for the protector at any time within ten years, computed from the date of the death of the intestate, to withdraw such proceeds in order to pay the same to any person resident within or beyond this territory, who may prove his right thereto to the satisfaction of the protector. In the event of no such withdrawal the said protector may, at the expiration of ten years computed as aforesaid, withdraw such money in order that the same may be by him applied with the sanction of the Administrator to the relief of distressed immigrants or their descendants being in distress, if any, in this territory: Provided that the protector may charge against any intestate estate the expenses reasonably connected with its administration, and file a proper account thereof with the Administrator for his approval; and provided further that any person who feels himself aggrieved by any decision or order made by the said protector under this section, may appeal to the High Court within six months from the date of such decision or order.

DESERTION.

Register of desertions and leave of absence.

57. Every employer shall provide and keep for each of his works a register of desertions and leave of absence, and shall enter therein every desertion from the works, with the date on which the immigrant deserting was last seen at such

works, and a note of every pass granted by him to an immigrant, with the date and period of such pass. The register shall be in such form as may be required by the protector, and shall be accessible at all times to the protector or an inspector.

Report of desertions.

58. Every employer, when it comes to his knowledge that an immigrant has deserted from his works, shall without delay report the desertion at the nearest police station. In such report the distinguishing number, name, and description of the immigrant, with the date of his indenture, and every other information likely to facilitate his apprehension, shall be stated.

Arrest of immigrants who have deserted.

59. An employer, or any of his employees, or any inspector, or any member of a police force, or any official of the Native Department, may without a warrant stop an immigrant who at any time (except Sundays or the holidays or festivals mentioned in this Ordinance) is found at any distance of more than two miles from the works in respect of which his services may be due, and if any immigrant so found fails to produce, upon being required to do so, a certificate of exemption or of service or a written ticket of leave signed by his employer, may take him back, or if he refuses to disclose the name of the works take him forthwith before an inspector or a Magistrate or Special Justice of the Peace, who shall forthwith enquire into the case, and unless he is satisfied that the immigrant has completed such service, or obtained such exemption as aforesaid, or that he is absent from the works in respect of which his services shall be due with the leave of his employer shall, make an order for his immediate committal as a deserter, to the nearest prison, with or without hard labour, for a term not exceeding thirty days.

Immigrants to be indentured by protector only.

60. No person shall receive into his employment any indentured immigrant not indentured to him by the protector.

Person who illegally harbours immigrant to pay 4s per diem to employer.

61. Every person not so entitled, who harbours or employs any indentured immigrant shall, in addition to the penalty provided by Section 64, sub-section (16), pay to the employer entitled to the services of the immigrant four shillings for every day during which he has so employed or harboured the immigrant, which payment shall be enforceable in the same way as payment of any sum for which an order of payment is made by a Magistrate.

Person in charge of work to be deemed to be the person harbouring immigrant.

62. When an immigrant has been employed or harboured upon any works contrary to the provisions of the two preceding sections of this Ordinance, the person having the personal charge and superintendence of the works shall be deemed to be a person employing or harbouring the immigrant.

Warrant to search.

63. If any employer states upon oath before any Magistrate or Justice of the Peace that he has reasonable cause to suspect that any immigrant is harboured or employed on the premises of any person, a Magistrate or Special Justice of the Peace may grant a warrant to search for such immigrant, and bring him and the person by whom he may be harboured, concealed, or employed, before him to be dealt with as provided by this Ordinance.

CRIMES, OFFENCES, &c.

64. The following persons shall be guilty of offences against this Ordinance, and shall be liable on conviction to both or either of the penalties herein specified in respect of such offences :—

Offences and Penalties.

(1) Every employer who wilfully and intentionally furnishes and declares a return, under Section 55, which is false—fine not exceeding £50 ; imprisonment not exceeding 6 months.

(2) Every employer who fails to provide a register of desertions, as required by Section 57, or keep it correctly entered up—fine not exceeding £5 ; imprisonment not exceeding 2 months.

(3) Every employer who shall fail to report the desertion of an immigrant, or otherwise comply with the provisions of Section 58—fine not exceeding £5 ; imprisonment not exceeding 2 months.

(4) Every employer who unlawfully withholds any wages or portion of wages earned by an indentured immigrant—fine not exceeding £5 ; imprisonment not exceeding 2 months.

(5) Every employer who assaults or in any way ill-uses any immigrant—fine not exceeding £10 ; imprisonment not exceeding 3 months.

(6) Every immigrant who falsely or fraudently pretends that he has completed his term of service, or who uses, gives, or lends any certfiicate or passport, or who wilfully counterfeits or alters any certificate or passport, or uses or attempts to use any pass signed by his employer, not being the immigrant to whom such certificate or pass was granted—fine not exceeding £2 ; imprisonment not exceeding 21 days.

(7) Every immigrant who attempts to quit Southern Rhodesia without a passport—fine not exceeding £10 ; imprisonment not exceeding 3 months.

(8) Every immigrant who refuses or neglects to appear at any time when required before any inspector or medical officer, or who resists any lawful order for his conveyance to hospital or production before the medical officer—fine not exceeding £1 ; imprisonment not exceeding 14 days.

(9) Every immigrant who keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health, or who refuses or neglects for 24 hours, after being requested so to do, to remove any nuisance or substance injurious to health from his dwelling, or to remove any such nuisance or substance which he may have caused or placed in the immediate proximity of any other dwelling—fine not exceeding £2 ; imprisonment not exceeding one month.

(10) Every immigrant raitoned under this Ordinance who sells or barters any ration, or part of a ration, furnished under this Ordinance, or any rule—fine not exceeding £1 ; imprisonment not exceeding 14 days.

(11) Every person who takes by way of purchase or barter from any immigrant rationed under this Ordinance or any rule, any such ration or part of a ration—fine not exceeding £5 ; imprisonment not exceeding 2 months.

(12) Every immigrant who is drunk, or conducts himself in an idle or disorderly manner, or assaults his employer or any other person upon any works, or makes use of threatening or abusive language, or by negligence or carelessness or other improper conduct, damages or destroys, or causes to be damaged or destroyed, any property of his employer or through carelessness or negligence suffers the same to be damaged or destroyed, or persuades or attempts to persuade any other immigrant unlawfully to refuse, absent himself from, or desist from work—fine not exceeding £5 ; imprisonment not exceeding 2 months.

(13) Every immigrant who, without just or lawful cause refuses to proceed to the works where his service is to be performed, or refuses to begin, continue, or finish any particular work assigned to him, or who is unlawfully absent from work, or guilty of wilful indolence during working hours, fine not exceeding £3 ; imprisonment not exceeding one month.

(14) Every indentured immigrant who deserts his work, on first conviction—fine not exceeding £2 ; imprisonment not exceeding 21 days ; and on a second or subsequent conviction—fine not exceeding £5 ; imprisonment not exceeding 2 months.

(15) Every immigrant who, on being brought before an inspector or to any police station, refuses to give his name and any other information that may be required by such inspector, or by the officer in charge of such police station for purposes of identification—fine not exceeding £1 ; imprisonment not exceeding 14 days.

(16) Every person not being entitled to the service of an indentured immigrant, who harbours or employs any such immigrant, or who inveigles or entices any such immigrant to quit or desert from his legal service—fine not exceeding £5 ; imprisonment not exceeding 2 months.

(17) Every person who shall employ any immigrant otherwise than as an unskilled labourer, that is to say, to perform work not customarily performed by native unskilled labourers in this territory—fine not exceeding £50; imprisonment not exceeding three months.

(18) Every employer who shall, without the sanction of the protector, transfer any immigrant to any works other than that to which he has been allotted—fine not exceeding £50; imprisonment not exceeding three months.

(19) Every person who, by any act or omission, obstructs, molests, hinders, or opposes any officer of the immigration department in the due execution of his duty, or in the exercise of any of the powers or authorities conferred on him by or under this Ordinance or any rule—fine not exceeding £10; imprisonment not exceeding three months.

(20) Every person who receives or harbours an immigrant who has not obtained a passport, with intent to carry such immigrant out of Southern Rhodesia: penalties in respect of each immigrant—fine not exceeding £10; imprisonment not exceeding three months.

(21) Every immigrant for whose profit a provision or other shop is kept, wholly or in part—fine not exceeding £5; imprisonment not exceeding two months.

(22) Every immigrant who shall endeavour to escape from the custody of the Protector, as mentioned in Section 41, either before or during his return journey, besides forfeiting, at the uncontrollable discretion of the Protector, the moneys carried to his account under Section 12, to the British South Africa Company in its local treasury—fine not exceeding £5; imprisonment not exceeding two months.

In each and any of the above cases imprisonment when awarded may be with or without hard labour as the Court shall direct. The foregoing penalties shall be independent of any other punishment to which the offender may be liable.

Employer may be required to advance fine.

65. The protector may, in any case in which an immigrant is fined, authorise his employer to pay the fine, and (subject to any deductions which may be made, as mentioned in Section 7 hereof) to deduct the same from the immigrant's wages. The protector shall keep a register in which he shall record every authority so given.

Jurisdiction of Magistrates, &c.

66. All offences against this Ordinance, or any rule, shall be tried and disposed of by the Magistrate of the District in which the offence occurs, or by any Inspector or other officer who may be vested with jurisdiction for that purpose by the Administrator, with the consent of the High Commissioner.

Magistrates, &c., to furnish protector with statement of complaints brought before them.

67. Every Magistrate, Inspector or other officer, as in the last preceding section mentioned shall transmit to the protector, to be by him properly filed, a monthly statement of all complaints brought before him under this Ordinance, or any rules made thereunder, with the names of the complainants and accused, and the distinguishing numbers of the immigrants, and in each case the offence charged, and what has been his decision, and what sentence, if any, was passed, and what penalties, if any, had been paid into the immigration fund, and in cases of complaints not disposed of, why they were not disposed of.

When immigrant sentenced to imprisonment Clerk of Court to furnish protector with particulars.

68. Whenever any immigrant is sentenced to imprisonment for any crime or offence, the Clerk of the Court awarding the sentence must, within one calendar month of the date thereof, forward to the protector, to be by him properly filed, a return setting forth, as near as may be, the distinguishing number and name of the immigrant, the name of the works on which he is indentured, the offence of which he has been convicted, and the term of imprisonment to which he has been sentenced.

MISCELLANEOUS.

Disabilities of immigrants.

69. No mining, trading, spirit or other licence whatsoever shall be granted to any immigrant, nor shall it be lawful for any immigrant to acquire, lease or hold any land or

buildings, or carry on any occupation whatever except that of an unskilled labourer, or be registered as a voter. Any immigrant who shall be guilty of a breach of any of these provisions shall, on conviction, be liable to a fine not exceeding £10, and in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

Certain documents to be received as *primâ facie* evidence.

70. Every indenture, contract, document, or other proceeding, or any copy thereof, or any extract from the register directed to be kept by the protector, or an employer, certified by or purporting to bear the signature of the protector, or an inspector, shall be received as *prima facie* evidence of the original, and of the truth of the contents thereof.

Immigrants to be subject to Masters and Servants Law.

71. Except as is in this Ordinance otherwise provided, immigrants shall be subject to the Masters and Servants Law.

Short title and date of taking effect.

72. This Ordinance may be cited as the "Immigration Ordinance, 1901," and shall come into operation on such day as may be fixed by the Administrator by notice in the *Gazette*.

SCHEDULE.

NOMINAL ROLL—

.....Immigrants from.....introduced by
.....Contractor, and indentured to.....
as labourers on..... .....works in the district of.....

Distinguishing Marks.	Contractor's name and date of arrival of Immigrant.	Names.	Age.

SOUTHERN RHODESIA—

THIS INDENTURE WITNESSETH that from this.....day of.....19.....the immigrants scheduled above have been duly indentured by the Protector to A.B. for owner on.....works, for.....years, subject in all respects to the "Immigration Ordinance, 1901."

As witness our hands.....

Enclosure 2 in No. 46.

RESIDENT COMMISSIONER, Salisbury, to HIGH COMMISSIONER.

MY LORD, Salisbury, Rhodesia, August 17, 1901.

I HAVE the honour to submit, for Your Excellency's consideration, an Ordinance entitled:—

The Immigration Ordinance, which was passed by the Legislative Council during its recent session; its primary object is to provide and regulate the importation of unskilled labour for the mines, and subsequent care and disposal.

I understand from the despatch of the Administrator, which accompanies this, that Lord Milner has approved of the introduction of this Ordinance, and that the Secretary of State desires that the immigration of labourers from Arabia, which is now being attempted, should be conducted under its provisions.

The principle being thus approved, I would only refer to certain points in the Ordinance, which seem to call for observation.

By Section 7 (4) one of the provisions of the contract of service provides that the immigrant shall agree to leave Southern Rhodesia, and to return to the place from which he came immediately his service has expired, as provided by law.

Sections 40 and 65 (22) deal with the method of enforcing compliance with this portion of the contract, but as Southern Rhodesia is an inland State, the Ordinance will not apply to any immigrant once he crosses the border; no doubt arrangements will be made with the neighbouring States to secure control of the immigrants on the way to the coast, and the time of their detention awaiting embarkation.

There seems to me some doubt as to how far the jurisdiction given to Magistrates in Section 66 is in accordance with Section 69 of the Order in Council, Southern Rhodesia, 1898, having regard to the penalties attached to breach of Ordinance in Section 10 (7) and Section 74 (17) and (18).

The Elected Members were unanimous in their approval of the principle of the Ordinance, and closely criticised its details in Committee, where the original draft was altered in some important respects.

I have the honour to recommend it receive Your Excellency's sanction.

I am, &c.,
M. CLARKE,
Resident Commissioner.

His Excellency
The High Commissioner,
Johannesburg.

Enclosure 3 in No. 46.

ADMINISTRATOR, Salisbury, to HIGH COMMISSIONER.

SIR, Administrator's Office, Salisbury, August 10, 1901.

I HAVE the honour to submit, for assent, an Ordinance to provide for and regulate the importation of labourers into Southern Rhodesia, which was passed by the Legislative Council during its recent session.

I am informed by telegram from the Board of Directors that His Excellency Lord Milner has seen the draft of this Ordinance, and expressed his concurrence in its introduction, and the Right Honourable the Secretary of State has expressed his desire that the immigration of labourers from Arabia, which is now being attempted with the consent of His Majesty's Government, should be conducted under its provisions.

The Ordinance was subjected to exhaustive examination and criticism in Committee on the part of the Elected Members of the Council, and several amendments have been made therein, which, while not altering the principles contained in the original draft, are nevertheless in many cases of importance.

These amendments are as follows:—

Section 1 (4).—The words "other works" have been altered into "private works." This has been done to include "works" undertaken by private persons, *e.g.*, a dam or reservoir constructed by a private company or owner.

Section 1 (8).—The word "persons" has been made to include individuals, partnerships and companies, as all these would not come within the meaning of the term "corporations."

Section 2 (3).—The words "in Africa" have been inserted, in order to state expressly what would otherwise be matter of inference merely.

Section 3 (1).—The omission of the words "the purpose of dealing with the introduction of immigrants" effects a grammatical improvement.

Section 7.—The insertion of the words "in English" after "written contract" has been deemed expedient, in order to remove a difficulty if the contract were, say,

in Arabic, Hindustani, or Chinese, and to prevent subsequent disputes in the interpretation of the contract.

Section 7 (1).—The words " some company or persons named in the contract, or to whom on arrival in Southern Rhodesia he may be allotted by the Protector " have been inserted, as it was pointed out in Committee that the immigrant might, on arrival in Rhodesia, decline to proceed to a particular mine or other works on the ground that his contract does not compel him thereto.

Section 7 (4).—The words " and to return to the place from which he came " have been inserted, because it was observed in Committee that, on leaving Southern Rhodesia, the immigrant might cross the border into some other Colony or State where his presence might not be deemed desirable or welcome. (See further in connection with this, Section 41 and Section 64 (22).)

The words " or sooner, if it be found necessary or expedient as provided by law," have been added in order to enable the Administrator to send, for instance, an immigrant who turns out to be an habitual or hardened criminal, or who suffers from some loathsome disease, back to his country. (See further in connection herewith Section 40.)

Section 8 (1).—" Before " has been altered into " when," as it may be otherwise inconvenient to adhere strictly to what this sub-section prescribes, and every purpose is served if the Protector receives the return on the arrival or introduction of the immigrant.

Section 8 (4).—The insertion of " may " in this sub-section merely effects a grammatical improvement.

Section 9.—The insertion of the word " written " in this section is to secure evidence of the Administrator's approval, in order to prevent possible misunderstanding and dispute.

Section 10 (7).—The alterations in this sub-section explain themselves.

Section 12.—The words " whole cost " have been substituted for " whole annual cost." The retention of the word " annual " was deemed unnecessary and misleading.

Section 15.—The following paragraph has been added to this section:—" If the employer neglect to make payment as herein provided, a writ of execution may be taken out summarily in any competent Court by the Protector, against the property of the employer, in satisfaction of what is due, and the indenture may be cancelled by the Protector."

The object of this clause is that if the employer, after his account has been rendered to him, neglects to make payment of what is due from him, the Protector, on behalf of the Government, may take out a writ of execution without going to the inconvenience or expense of bringing a regular formal action for the recovery of the fees. An analagous remedy is, for instance, given under the Municipal Law to the Mayor of issuing his warrant for the sale of sufficient of a defaulting ratepayer's property for payment of arrear rates.

The cancellation of the indenture *may* be necessary in any particular case, and hence power is given to the Protector to that effect. A similar power is conferred by Section 29.

Section 27.—The words " specially or generally " have been omitted, as they are unnecessary.

Section 28.—The word " estate " has been eliminated, as it is not the intention to employ immigrants on farms. The Ordinance merely applies to " works," as defined in Section 1. The other alterations in the section are purely grammatical.

Section 40.—This is a new section. It was inserted after discussion in Committee, and is intended to cover the case where immigrants in batches of, say, 500 or 1,000 refuse, on arrival, to do any work, and it may become necessary to send them back. The reason for the last part of this section is stated under Section 7 (4) supra.

Section 41.—This section provides for the care and custody of all immigrants who, for various causes, have to return to their country, in order to prevent them

from escaping into any neighbouring Colony or State which may take objection thereto. (See, in connection herewith, Section 7 (1) supra and Section 64 (22) infra.)

Section 42.—This section takes the place of the former Section 41. The effect remains unaltered.

Section 55.—The words "the signature of the employer for the accuracy of which return he shall be responsible under this Ordinance" have been substituted for "a solemn declaration to be made by the employer." It was pointed out in Committee that it may often happen that a Justice of the Peace may not be available before whom the declaration is to be made or sworn. The accuracy of the return is, however, assured by what has been substituted, which must be read in connection with Section 64 (1), whereby a penalty is provided for knowingly making a false return.

Section 56.—The words "in its local treasury" have been added after "British South Africa Company," and explain themselves.

Section 61.—The words "the penalty provided by Section 64, sub-section (16)" have been substituted for "any fine to be imposed upon him." This has been done for the sake of uniformity and to prevent confusion.

Section 64 (13).—This sub-section has been somewhat recast. Its meaning and effect remain unaltered.

Section 64 (17).—This sub-section has also been recast. It is intended to prevent immigrants from being employed on any works in any other capacity than as unskilled labourers.

Section 64 (18).—This is a new sub-section. It has been adopted on the representation in Committee that an employer might, if some such clause were not inserted, transfer an immigrant to work, for which he had not been indentured to him, and so be guilty of an abuse of the Ordinance.

Section 64 (22).—This is likewise a new sub-section. The necessity for its insertion is explained by a reference to what has been said under Section 41, supra. The provision as to forfeiture is taken over from Section 42 of the original draft.

Section 65.—A new section has been added to this section, whereby it is made incumbent on the Protector to keep a record of every authority given by him to an employer to pay the fine inflicted on any immigrant.

Section 66.—"The Special Justice of the Peace" has been eliminated from this section, after consideration in Committee, and "any Inspector or other officer, who may be vested with jurisdiction for that purpose by the Administrator with the consent of the High Commissioner," substituted.

It was thought that cases might arise with which a Special Justice of the Peace would not be sufficiently qualified to deal. On the other hand it may happen that the works where immigrants are employed are situate at a considerable distance from the seat of Magistracy, and it may be desirable to deal speedily with such cases. Hence such Inspectors or other officers as are deemed qualified and competent may, with advantage, be entrusted with the disposal of the matter.

Section 67.—The same elimination and substitution have, for the reasons given under Section 66, been adopted in this section.

Section 69.—A penal clause has been added to this section. It was thought that, without such clause, the rest of the section would be of little moment.

Schedule.—In the second column a small but necessary alteration has been made by striking out the word "year" and substituting "date of arrival of the immigrant."

As I have stated in a separate despatch covering the Appropriation Ordinance, provision has been made, in accordance with the desire of Mr. Chamberlain, for the

establishment of an Immigration Department, for the purposes of this Ordinance, and in view of the probability of the arrival of batches of labourers from Arabia within the next three months I would request that His Excellency may be pleased to communicate his decision thereon at as early a date as may be convenient.

I have, &c.,
W. H. MILTON,
Administrator.

His Excellency
The High Commissioner,
Johannesburg.

Enclosure 4 in No. 46.

[Not reprinted.]

Enclosure 5 in No. 46.

ADMINISTRATOR, Salisbury, to HIGH COMMISSIONER.

SIR, Administrator's Office, Salisbury, November 8, 1901.

WITH regard to Your Excellency's telegram, No. 14, of the 31st ultimo, addressed to His Honour the Resident Commissioner, relative to the Immigration Ordinance, I have the honour to confirm my telegram of yesterday's date, intimating that the Administration were prepared to give the assurance required by Your Excellency's telegram above referred to, the conditions of which I now beg, on behalf of this Administration, to formally undertake to observe, viz.:—

1. The Protector of Immigrants to be appointed by the Secretary of State, on the nomination of the Company, and to be removable at any time only by the Secretary of State.

2. Officers of the Immigration Department to be appointed, removed and suspended in the same way as officers of the Native Department.

3. Licences for recruiting not to be issued to private contractors, but only to persons acting as agents for the Administration, and for whose conduct the Administration is responsible.

4. No notice to be issued under Section 2, Sub-section (1), without previous consent of the High Commissioner and Secretary of State.

5. Assurance to be given that Ordinance will be amended in accordance with undertaking and in light of experience in next session of Legislative Council.

I would add that I understand the relation of the Protector of Immigrants to the Administration will be similar to that of the Attorney-General, whose appointment by the Secretary of State, on nomination of the Company, is provided for by Ordinance No. 3 of 1899.

I have, &c.,
W. H. MILTON,
Administrator.

His Excellency
The High Commissioner,
&c., &c., &c.,
Johannesburg.

Enclosure 6 in No. 46.

HIGH COMMISSIONER to RESIDENT COMMISSIONER, Salisbury.

SIR, High Commissioner's Office, Johannesburg, November 29, 1901.

WITH reference to my telegram of the 21st of November, I have the honour to transmit to you, for communication to the Administrator, a signed copy of the

Immigration Ordinance, which was passed by the Legislative Council of Southern Rhodesia, in its recent session, and to which I have assented on the conditions stated by the Administrator in his despatch, No. 100, of the 8th November, of which I enclose a copy.

I also enclose, for your information and guidance, a copy of telegraphic correspondence with the Secretary of State, respecting the position of the Protector of Immigrants. I shall be obliged if you will communicate a copy of it

To Secretary of State, Telegram 455: October 31, 1901.
From Secretary of State, Telegram 3: November 13, 1901.

confidentially to the Administrator.

I have, &c.,
MILNER,
High Commissioner.

His Honour
The Resident Commissioner,
Southern Rhodesia.

No. 47.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

(Extract.)

Downing Street, February 28, 1902.

WITH reference to your letter of the 7th of November last,* and previous correspondence, I am directed by Mr. Secretary Chamberlain to inform you that the High Commissioner for South Africa has reported that he has assented to the Immigration Ordinance, and has transmitted the letter from the Administrator, of which a copy is enclosed,† giving a formal undertaking that certain conditions will be observed in regard to it.

Administrator to High Commissioner, November 8.

No. 48.

SIR M. CLARKE to COLONIAL OFFICE.

(Received March 15, 1902.)

SIR, The Hotel Windsor, Victoria Street, S.W., March 14, 1902.

WITH reference to Mr. Chamberlain's discussion held with me at the Colonial Office on the 20th February last, on the subject of recruiting native labour in Southern Rhodesia, I have the honour to remark that since my report, dated 4th April, 1900, was submitted the pressure exercised by the Native Commissioners to induce natives to work has been materially lessened—partly due to instructions issued by the Administration, and partly to the employment in many places of recruiting agents by the Labour Boards. The latter, however, have not proved satisfactory. Their relations with the Administration were anomalous. As independent bodies they were free from Government control. They could, at pleasure, give or withhold information as to their proceedings or access to their records, at the same time the Chief Native Commissioners who were ex-officio members of the Boards, were practically their executive officers, and were placed in the difficult position of having, at times, to reconcile the pressure brought to bear on them by their unofficial colleagues and other employers, and compliance with the order of the Administration.

Labour Boards were abolished on the 1st October last, principally for the reason that the results they achieved did not correspond to the money expended, and there remained no effective system to take their place.

To meet the demands of employers of labour an ad interim system was proposed by the British South Africa Company, and provisionally approved by the Secretary

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* No. 35.

† Enclosure 5 in No. 46.

of State, whereby the Native Commissioners, while prohibited to use direct or indirect influence to urge natives to work, are authorized to register candidates for labour and to guide them to where it is required, and directed to see that contracts are observed and that natives are properly treated. Although, in my opinion, the instructions given will act as a safeguard against the Native Commissioners abusing their power in the way formerly complained of, I think their employment as recruiters or distributors of labour is open to objection. They will always be under the temptation to exercise their influence to obtain labour for those applying for it. The system suggested by the Secretary of State, whereby the actual recruiting and distributing of labour is carried out by an unofficial association acting through licensed agents, while the Administration, through its own officials, confines itself to what is necessary for the protection of the labourer, appears to me the object that should be kept in view. The ad interim system, with all its objections, acts distinctly better than one which would leave the work in the hands of licensed agents acting independently of any central authority, and the choice lay between the two. At present a native who, from want of money, seeks employment can, if he so wish, go to work with some employer who has treated him well, or of whom he hears a good account—in which case he goes direct to his destination—either taking his own food for the journey or depending on the hospitality of his friends along the road. If he has no particular choice, he goes to the Native Commissioner of his district, who informs him of where he can get employment, registers him, and on collecting a sufficient number sends a messenger with the party to the work selected. He sees that the men he sends are provided with food for the road (at the expense of the employers), and it is also his duty to see that the men engaged by him are treated fairly and according to contract during their term of service. The great bulk of the natives seeking labour go to mines and railway works and are, when so employed, under the observation of Government officials called Compound Inspectors, whose duty it is to visit from time to time the mines or camps, and ascertain from personal observation and enquiry how the natives are treated, reports of each inspection being made to the Administrator; and it is found, in the majority of cases, employers are quite ready to meet suggestions for bettering the position of their workpeople.

Attached to each of the principal mines is a hospital, under the care of a resident or visiting doctor, and where patients, when they can be persuaded to enter are, as a rule, well cared for; but the first desire of a native when he feels unwell is for home, and in many cases he loses his life from exposure and weakness before he can get there. The repugnance, however, of natives to enter hospital appears to be decreasing.

The wages paid generally throughout the country are fair considering the quality and amount of work given in return, and as a rule the native is fairly treated, in many cases with consideration. Some few mines and employers have earned for themselves a bad reputation, but this is soon brought home to them by the difficulty they experience in obtaining and keeping natives to work—a natural result by no means the least advantage derived from free labour.

Considering the recent settlement of Europeans in the country, the various sets back which it has experienced, and the exceptional demand for native labour from a people who could not at first realize the object of work, the progress made is, I think, encouraging. The natives are fast acquiring wants, and voluntarily go to work in increasing numbers; at the same time many enterprises are checked for want of labour, and with the continual development of the territory, this will be accentuated, as the population is sparse and cannot meet a large demand for work. Another well-founded complaint one often hears is the short term of service given by the native—seldom exceeding three months at a time—whereas mining purposes require a continuous and dependable supply of labour. For this I see no immediate remedy. Something may be done by employers improving food and accommodation, and ensuring their men good and sympathetic treatment; but I believe in the end it will be found necessary to introduce labour from abroad to supplement that derived from the indigenous native of South Africa.

I have, &c.,

MARSHAL CLARKE,

Resident Commissioner,

Southern Rhodesia.

No. 49.

Mr. CHAMBERLAIN to High Commissioner LORD MILNER.

My Lord, Downing Street, March 27, 1902.

I have the honour to acknowledge the receipt of your despatch of the 8th of November,* enclosing copies of the Masters' and Servants' Ordinance, 1901, of Southern Rhodesia, to which you have assented.

In connexion with Chapter V., Section 6, of the Ordinance, a general question arises which affects other Ordinances passed by the Legislative Council during the Session of 1901. Clause 69 of the Southern Rhodesia Order in Council provides that Magistrates in the territory shall have the same jurisdiction as was conferred on Resident Magistrates by the law of the Cape Colony. But this Ordinance confers on Magistrates some powers which are not given to Resident Magistrates in the Colony, and it is suggested that the provisions of the Ordinance are *pro tanto* void in virtue of Clause 39 of the Order in Council as being repugnant to the provisions of Clause 69. If this were so, the extent to which the Ordinance is void would, of course, be a matter for the Courts to determine. But the Order in Council does not expressly limit the powers of Magistrates to those exercised by Magistrates of the Cape Colony, and I am advised that it would be contrary to the manifest intention of the Order in Council in establishing a Legislature for the territory to hold that that Legislature had no power to vary the jurisdiction of Magistrates, or to amend the law affecting them in such directions as might be found necessary.

The Masters' and Servants' Ordinance is based on the Cape Acts 15 of 1856 and 18 of 1873, but the provisions in favour of the employer are in some respects more stringent than those contained in the Cape Acts. The first Section of Chapter 1 is new. It is explained that the Section has been introduced in order to prevent the abuse of a servant who has been provided at his master's expense with a free passage to Rhodesia repudiating his engagement as soon as he arrives in the territory. On the other hand the Section as it stands may inflict hardship on servants engaged abroad. A domestic servant, for instance, engaged in this country and knowing nothing of the law of the territory would find herself, on arrival, liable to all the penal provisions of the Ordinance, but such a person would, it appears to me, be sufficiently protected if the Ordinance contained a provision similar to Section 4 of Chapter II. of the Cape Act of 1856, subsequently repealed and re-enacted by Section 1 of Act 18 of 1873, which provided that the Magistrate or other officer must certify that the parties agreed voluntarily, and clearly understood the meaning and effect of the contract. This useful provision has been omitted, and, apart from the special case of servants engaged outside South Africa, I consider that it would be desirable to confer upon the Magistrate power to refuse to enforce inequitable contracts.

In Section 1 of Chapter IV. the fine is raised from £1 in the corresponding Section of the Cape Act to £4, a large sum in comparison with the penalties inflicted on employers, but one which, I understand, is not unreasonable in view of the high rate of wages prevalent in the territory.

The powers of summary arrest conferred by Section 15 are somewhat unusual, but I understand that they are considered necessary owing to the ease with which persons can leave the territory unobserved if they wish to avoid trial.

I request that you will impress on the Administrator the desirability of amending the Ordinance in regard to the points mentioned, and obtain an assurance from him that the matter will be brought before the Legislative Council in its next Session.

I have, &c.,
J. CHAMBERLAIN.

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* No. 43.

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Shri Brihad Bhartiya Samaj
on 31 October, 2019

No. 50.

COLONIAL OFFICE to BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, June 17, 1902.

WITH reference to your letter of the 29th November* and previous correspondence on the subject of the recruiting of native labour in Southern Rhodesia, I am directed by Mr. Secretary Chamberlain to state that he has taken advantage of the Resident Commissioner's presence in this country to consult him as to the working of the present system, and to obtain from him a report on the arrangements recently made for regulating the action of the Native Commissioners.

2. I am to enclose a copy of Sir Marshal Clarke's report† for the information of the Directors of the British South Africa Company.

Sir Marshal Clarke, March 14.

3. Mr. Chamberlain trusts that the Administration will shortly be able to take steps to secure the establishment of a system of recruiting on the lines indicated in the letter from this Department of the 3rd of October last.‡

I am, &c.,
FRED. GRAHAM.

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* No. 42. † No. 48. ‡ No. 26.